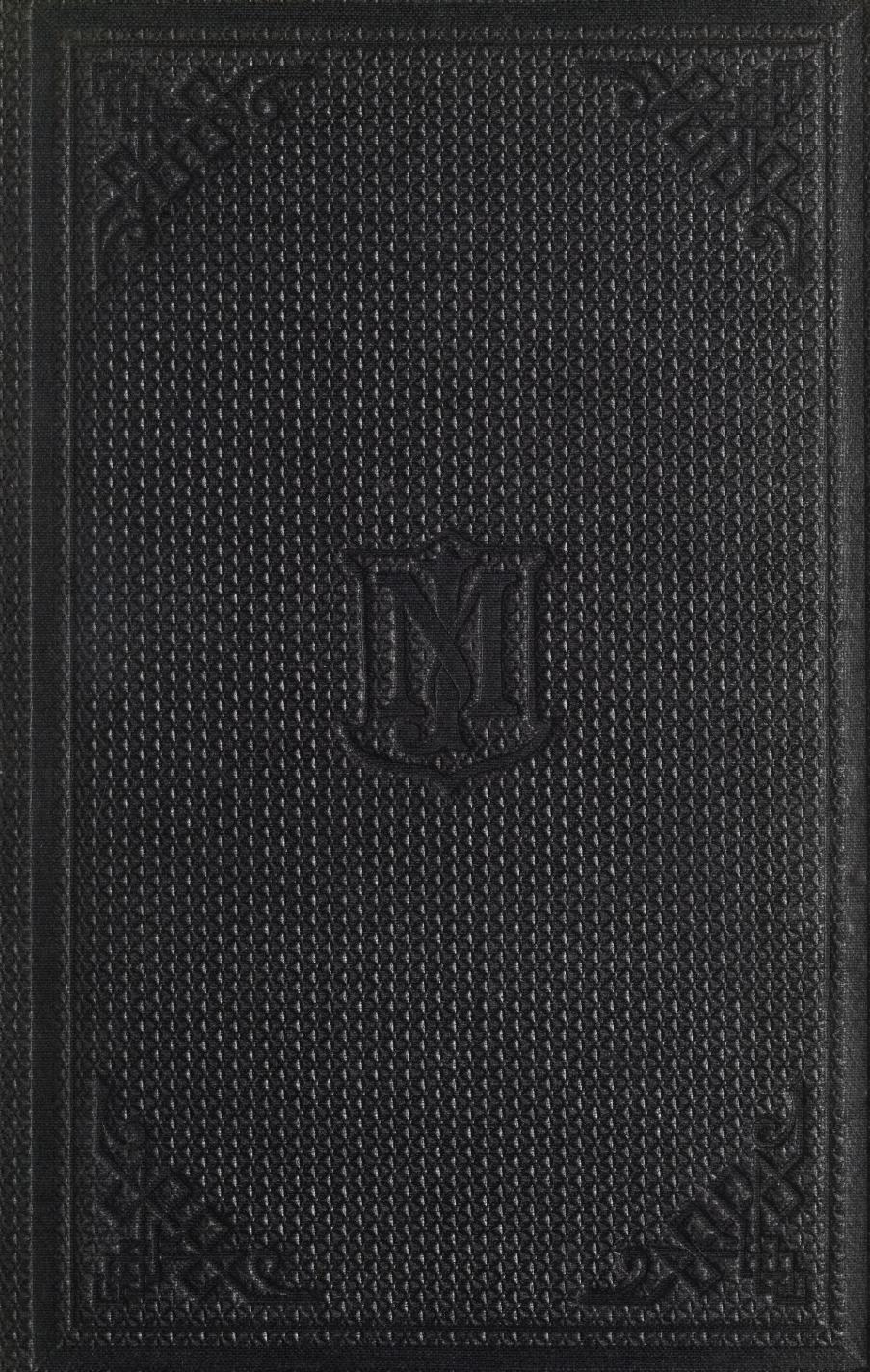

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HISTORY OF LIBERTY.

PART I.

THE ANCIENT ROMANS.

HISTORY

OF

LIBERTY.

PART I.

THE ANCIENT ROMANS.

BY

SAMUEL ELIOT.

"Romanæ spatium est urbis et orbis idem."
Ovid.

"The history of the world is one of God's own great poems."
Hare.

A NEW EDITION.

IN TWO VOLUMES.
VOL. I.

NEW YORK:
PUBLISHED BY JAMES MILLER,
SUCCESSOR TO C. S. FRANCIS & CO.,
522 BROADWAY.

Entered, according to Act of Congress, in the year 1853, by

Samuel Eliot,

In the Clerk's Office of the District Court of the District of Massachusetts.

Library of Princeton Theological Seminary
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PREFACE TO THE NEW EDITION.

This work, originally issued under the title of The Liberty of Rome, is now republished as the first part of a History of Liberty. It has been not only revised, but rewritten, in the hope that it might be made more worthy of the public favor.

To write history acceptably to the generality of readers is my earnest desire. I have taken for my subject a principle in which all men are concerned, and to which all the events of human history are related. It has seemed to me that in tracing the course of this principle, we might gain some new ideas respecting history, some new convictions respecting liberty. Such an aim is far too high to be attained by composing a work for the use merely of what is called the literary class. I write for my fellow-men as well as for my fellow-scholars.

"I do not deny," says Locke, "but that history is very useful and very instructive of human life; but if it be studied only for the reputation of being a historian, it is a very empty thing."

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BOOK I.

ANTECEDENT PERIOD.

The whole Past is the possession of the Present."

CARLYLE, *Hero Worship*, Lect. I.

BOOK I.

ANTECEDENT PERIOD.

CHAPTER I.

ANCIENT CENTRALIZATION.

"Una gente impera e l'altra langue." *Inferno.*

Liberty is the ability of an individual or of a community to exercise the powers with which either may be endowed.

As a right, it depends upon the character of the powers to which it supplies the means of exercise. They who have only the lowest powers have the right only to the lowest liberty. They who have the highest powers, and they alone, have the right to the highest liberty. In other words, liberty is the right to use, and to increase by using, the powers which constitute the endowments of humanity.

As a possession, actually in the hands of men or of nations, liberty depends upon laws as well as upon powers. One may have the noblest powers of which his nature is capable; but he may be incapable of

exercising them on account of oppressive laws. Or he may have but imperfect powers; yet they may be developed until they seem to human vision almost perfect, in consequence of the laws encouraging their exercise. No man can possess liberty, whether personal or political, whether physical, intellectual, or spiritual, except the laws above him allow the employment of the powers with which he has been created.

Now the laws under which men live are of two codes.

One of these is derived directly from God, whose will it expresses, whose omnipotence it declares. The Divine law, wherever revealed, calls forth the highest powers of which mankind are susceptible. It kindles their holiest aspirations in the service of their Creator. It braces their most generous energies in the service of their fellow-creatures. Consequently, it gives them the right to perfect liberty. That which is made their right is by the same law, if it be obeyed, made their possession likewise.[1]

The other code contains human laws. So far as these support the Divine law, they support the liberty which that proclaims. So far, on the other hand, as they uphold the authority or the pleasure of men in contradiction to the will and the omnipotence of God, they are fatal to all liberty worthy of the name. If neither opposing nor maintaining the Divine law, they stand by themselves, unable to create the powers

[1] "'Tis liberty of heart derived from Heaven,
Bought with His blood who gave it to mankind, . . .
To walk with God, to be divinely free."

COWPER.

which entitle men to be truly free. The right to liberty declines under merely human laws. Under them, the possession also of liberty is insecure, if it be not wholly lost.

We open the history of liberty in ancient times.

At the outset, rise questions relating to the laws and to the powers then existing. If we are answered that men were in possession of imperfect powers, we may prepare ourselves to find them in possession of imperfect laws. Be we told, more emphatically, that they knew no Divine law to obey, none to support by laws of their own, we may more clearly foresee the imperfection of their liberty.

All that is thus foreseen will be verified as we proceed. Over the ages of old there broods from first to last a giant shape, conjured up by human laws. Wherever men came together, upon the Eastern plains or around the Western citadels, they dwelt in the shadow of centralization.

This is one of the two systems by which society is constituted. The other is union. Centralization binds men together. But it binds them together to the benefit of the minority. The majority is oppressed. Laws are in force not necessarily subverting, though necessarily not upholding, the Divine law. Liberty, as a right, is transformed from the right of developing one's own powers into that of controlling the powers of others. As a possession, it passes from the hands of the most powerful, spiritually or intellectually, into those of the most powerful, physically or politically. The laws on which it depends are merely human. As such, they recognize only the possessions or the rights of their

framers. These are the freemen of the nation united by centralization. They are also its masters. The remainder of the nation consists of subjects or of actual bondmen.

Centralization prevailed throughout antiquity. The ancient nations knew no other laws but what were human, no other freemen but what were rulers. It is of their liberty that we must read. Amongst the masses there was no liberty.

The monuments of antiquity have become the ruins of modern times. But the institutions existing in the remotest eras must have been sufficient, for a season, to the preservation of the races amongst whom they were founded. As defences against present evil, they endured until they were set up as barriers against coming good, when their destruction was as providential as their formation had been. No race of which the memory has been preserved ever lived for itself alone. Nor are the purposes for which one after another was brought into existence to be now fulfilled by our admiration of their greatness or our compassion for their shame. Between India and Egypt, Egypt and Greece, Greece and Rome, or between any nations of any period and those of our own, there was and is one general connection in all the common attributes and responsibilities of humanity.[2] "As travellers in a foreign country make every sight a lesson, so ought we," says Bishop Hall,[3] "in this our pilgrimage." Nor need we stand here, as

[2] "The largest portion of that history which we commonly call ancient, is practically modern." Arnold, Appendix I. to his edition of Thucydides.

[3] Art of Divine Meditation, ch. IV.

from afar, to watch the distant flames. We can go towards them, if we will, to cheer our faith by the light which they yet give in our day and generation. It is not merely to seek for things consumed, that we here return to the past. There were "vanities," as St. Paul declared at Lystra, of which we may take our account in thankfulness that they are forever ended. But there are still the "witnesses," as the same Apostle wrote, in which God is yet manifest,[4] and by which we ourselves may be strengthened and directed forward.

"What seemed an idol hymn now breathes of THEE!"

KEBLE.

[4] Acts, XIV. 15 *et seq.* Romans, I. 19 *et seq.*

CHAPTER II.

A SINGLE CLASS.

"A sway as absolute on earth,
As that which Indra proudly holds in heaven."

WILSON's *Mrichchakati*, Act x.

HISTORY begins with the deeds of warriors. Theirs also are the first institutions which it describes. The same force that won the battle wrought the relations between the victors and the vanquished. It was the highest power which men knew how to exercise. It was the highest law which they knew how to ordain or to obey. No system could be based more exclusively upon merely human will. None could rise more distinctively in the forms of centralization.

Force, by itself, soon proved to be but weakness. All that it could do was to establish the conquerors as the masters of the conquered. It could not preserve their sway; for it could not prevent their quarrels amongst themselves. Nor could it keep down the conquered whenever their energies were repaired. The conquerors turned from conquest to civilization.[1] Rules of action and of contemplation gave new strength to their framers. The subject who would have stood

[1] "L'azione conciliatrice della civiltà essendo una pugna colla barbarie dee cominciar colla guerra; la quale è perciò la prima dialettica delle nazioni." Gioberti, Prolegomeni del Primato degli Italiani, p. 92, ed. Capolago.

firm in the hour of conflict lost heart beneath the burdens imposed upon him by the civilization of his rulers. Their laws, rapidly increasing in number and in severity, were declared to be no longer human, but divine. This was the master-stroke of the superior order. The inferiors could but submit to a chain thus stretching from earth to heaven, from heaven to earth.

Such may have been the course of events in India. The tradition of long contests points to the trial and the failure of force as the security of the dominant class. A variety of states, peopled by a variety of inhabitants,[2] formed a dominion which the warriors of early ages found it difficult to preserve. To prevent their subjects from rising and their realms from separating, they may be supposed to have transformed themselves into the Brahmins of the historical period.

A legend concerning the creation of mankind informed the people of India how the god Brahma, having received from the Supreme Being the power to create the universe and its inhabitants, formed from his head the Brahmins, from his arms the Chatriyas, from his thighs the Vaisyas, and from his feet the Sudras. It was at first intended that the Brahmin should live in utter solitude, where nothing could distract his attention from the books of sacred wisdom already composed for his enlightenment.

[2] Herod., III. 94. Herodotus, whose account is the earliest of any stranger's, is supposed to have derived his information from an expedition of Darius Hystaspis, about A. C. 509. Later reports resulted from the invasion of the great Alexander, which was, however, "a matter of very trifling interest" to the people of India. Prof. Wilson's note to Mill's Hist. of India, vol. I. p. 169.

Finding himself molested, notwithstanding the sanctity of his nature, by the wild beasts with which the world was overrun, he received the Chatriya as the defender of his retirement.[3] Both were soon in want of food; and the Vaisya was created to till the earth for the benefit of his superiors. The Sudra was presently added to serve the three who had been called into existence before him.[4] No mere theory [5] would be half so useful as this tradition in measuring the centralization which brought India beneath the dominion of a single class.

The separation between the different classes is the first point to be remarked. The absolute superiority of the highest and the absolute inferiority of the lowest were the elements of the national centralization. Each caste was rather a different race than a different order from the others; the union between them being a necessity to which the weak submitted, and by which the strong preserved their sway. The legend throws light upon the second point which we have to observe. It indicates the source and the character of the sovereign authority. The courage of the warrior had become subordinate to the wisdom of the seer. He who could claim possession of the mysterious volumes, believed to be

[3] The early heroes of India, canonized, as it were, in the poetry and mythology of the Brahmins, are all represented as having defended the priests against the warriors in the early wars. See the Vishnu Purana, translated by Prof. Wilson, Book IV.

[4] Creuzer, Religions de l'Antiquité, trad. Franc., tom. I. p. 227. See also Menu, (Ordinances, translated by Sir William Jones, and published with his works,) I. 31, and an account in the Vishnu Purana, Book I. ch. 6.

[5] Such as that tracing the castes to the different religious ceremonies and duties which originated amongst families. Schlegel's Phil. Hist., Lect. IV.

of divine composition, was the acknowledged superior of him whose powers appeared in the feats of battle or the chase. But the solitude of the Brahmin, depicted in the tradition, foreshadows the history of his order. The lonely dweller in face of the towering mountain or the far-stretching forest was visited with strange inspirations. He yearned to know things that could not then be learned; and the less he succeeded in satisfying himself with truth, the deeper were his draughts of superstition. If he was the more fitted to keep others in servitude, he was the more fitted for bondage to his own uncertainties and fearful errors.

This would not appear, however, to any one who trusted in the accounts of the Brahmins themselves. According to them, the Brahmin was a superior being, raised above the humanity to which his nature might appear to bind him.[6] No language seemed capable of describing the ineffable dignity of the place appointed to him in the world. He was not only "the chief of all creatures,"[7] but "an object of veneration even to deities."[8] Nay, he himself was "a powerful divinity,"[9] by whose aid "worlds and gods perpetually subsist."[10] The sanctity of his nature was the corner-stone of his hierocracy. "Whatever exists in the universe," declared the law, "is all in effect, though not in form,

[6] "Born above the world," is the expression in Menu, I. 99. There is a beautiful poem, *The Brahmin's Lament*, translated by Mr. Milman, in which the wife of the Brahmin urges her husband not to mourn as though he were "of lowly caste." Such a glimpse into things goes a great way to explain the position which the Brahmins held and the notions entertained concerning them.

[7] Menu, I. 99.

[8] Id., XI. 85.

[9] Id., IX. 319. Cf. § 317.

[10] Id., IX. 316.

the wealth of the Brahmin; since the Brahmin is entitled to it all by his primogeniture and eminence of birth." [11] The power of the Brahmin, according to the same code, "depended on himself alone." [12] If he preferred the majesty of civil authority, it was his. If he aspired after the holiness of retirement and austerity, he obtained it. The prayers and penances of his solitude, as well as the powers and emoluments of his court or his tribunal, were all alike for his own "ultimate happiness." [13]

The oppression of the lower orders followed as a matter of course. A judge, in one of the old dramas, describes his duties in language that sounds as well to our ears as to those which first heard it. "A judge," he says, "should be learned, sagacious, eloquent, dispassionate, impartial; he should pronounce judgment only after due deliberation and inquiry; he should be a guardian to the weak, a terror to the wicked; his heart should covet nothing, his mind be intent on nothing but equity and truth." [14] But the drama, like every other vehicle of expression, was for the Brahmins to write and for them likewise to read. The weak, of whom the judge spoke, found few amongst the ruling classes to be their guardians.

The lowest orders were the mixed, that is, the offspring of parents belonging to different castes.[15] Above them were the bondmen called the Sudras, to whom

[11] Menu, I. 100.

[12] Id., XI. 32.

[13] Id., I. 98. "Leur but n'était pas d'éclairer, mais de dominer." Condorcet, Prog. de l'Esp. Hum., p. 65.

[14] From Act IX. of Mrichchakati, or the Toy-Cart, a drama written probably before our own era, and translated, some years ago, by Mr. Wilson, in his "Hindu Theatre."

[15] See Heeren's Researches, etc., Asia, Part III. § 2.

had been assigned "one principal duty," that of serving the classes superior to themselves.[16] The Sudra, though of higher rank than the member of a mixed caste, was in the depths of servitude. He could not hold property; he could not ask for "spiritual counsel," or for "the remains from a Brahmin's table." From this condition, moreover, he could never be emancipated, not even by his own master.[17] It was equally impossible for any other caste to pass the limits with which it was bounded. Where a man was born, there he was ordered to die. Nor, during life, was he allowed the companionship of friend or wife from a different order. Next above the Sudras were the Vaisyas, husbandmen and artisans. Above them were the Chatriyas, mercenaries, rather than independent warriors.

No one of these castes obtained liberty for a possession. None could claim it for a right. The powers from which it could spring in any fulness were cultivated only by the single class above the rest. "Devotion," according to the code, "is defence of the people in a Chatriya; devotion is the business of trade and agriculture in a Vaisya; devotion is dutiful service in a Sudra." In the Brahmin alone, it was "divine knowledge." [18]

To this universal subjection of the lower castes there was no real exception. The Chatriyas, it is true, assumed at times the aspect of a powerful order, from whom an absolute monarch was appointed in every state to lead the army and to govern the

[16] Menu, I. 91.
[17] Id., IV. 80, 81; VIII. 414, 417; X. 129.
[18] Id., XI. 236. Cf. the Vishnu Purana, Book III. ch. 8.

masses. From the same class were taken the lords of districts and the superintendents of towns according to what has been styled the municipal system of India.[19] But the magistrates and governors were appointed or confirmed by the Brahmin counsellors on whom the monarch was generally as much dependent as the lowest of the common people. As the Chatriya had no duty "superior to fighting," so the office of the Chatriya king was "conquest" and "combat," from which he was "never to recede."[20] One of the ancient writings describes the visit of a Brahmin poet to the royal court. He came to celebrate the praises of the monarch; but when the king came forth upon his elephant, the poet hesitated. "Which of the two," said he to himself, "shall I praise, the elephant or the king? The elephant," he continued, "is dear to the people: I shall sing the elephant, and not the king." The monarch was not the less obliged to reward the minstrel whom he immediately proclaimed the lord of five villages.[21] A royal personage, in one of the Hindoo dramas, makes the frank confession that the Brahmins must be obeyed. For though those holy men, as he avers, were eminent for patient virtue, they concealed a scorching flame within their bosoms.[22]

[19] See Menu, VII. 114 *et seq.*, 121; Elphinstone's India, Book II. ch. 2; Schlosser's Univ. Hist. of Antiquity, ch. II. § 2; Heeren's Researches, etc., Asia, Part III. § 2; and Mill's Hist., Book II. ch. 3.

[20] Bhagvat-Gheeta, Eng. trans., p. 38. Menu, VII. 88; X. 119.

[21] Stuti Brahmana, cited by M. Burnouf, Introd. à l'Hist. du Buddhisme Indien, tom. I. p. 140.

[22] Sacontala, translated by Sir William Jones, Act II. In the same drama, the King does not esteem himself worthy of a Brahmin's daughter, (Act I.); and the good monarch is represented as bearing mildly with a Brahmin's censure. (Act V.) So in the Vishnu Purana, we have an instance of the vanity of a king's attempts to set himself free from the Brahmins. Book IV. ch. 13. Other proofs are in Menu, VII. 133; VIII. 381; IX. 313.

It was a prince, however, of a Chatriya family that appeared at length to contest the supremacy of the Brahmins. Siddhartha was born of the house of Chakia, about six centuries before our era.[23] While yet a young man, he renounced the world. It denied him all that he most desired to know, if he wished for truth. It refused him all that he most aspired to possess, if he sought for independence. The Chatriya prince was singularly fortunate in his retirement. Such was his asceticism,[24] that some Brahmin devotees were induced to admit him into their companionship. In their eyes, he seemed worthy of being initiated, Chatriya as he was, in the mysteries by means of which their order ruled supreme. He was as prudent in conduct as he was ardent in ambition. Redoubling his austerities, he won more and more of the secrets into which none of his caste appear to have penetrated before him. As soon as he had discovered all, he hurried from his teachers to his fellow-subjects. So wonderful were his acquirements in their eyes or in those of his subsequent followers, that he received the name of Bouddha, or the Wise.[25]

The sage did not immediately come into collision with the ruling priesthood. His first appeals were probably made to a limited circle attracted to his new retirement. To these disciples he may have disclosed

[23] The exact dates are beyond all research. See an article by M. Abel-Remusat, "sur la succession des Trente-Trois Patriarches de la Religion de Bouddha." Mèlanges Asiatiques, tom. I. pp. 113 *et seq.*

[24] "Les Mongols l'appellent Chakia Mouni, c'est à dire, le pieux pénitent de la maison de Chakia." Klaproth, Mémoires relatifs a l'Asie, tom. II. p. 56.

[25] "Qui, parvenu a la perfection de science . . . . prit le titre de Buddha (Bouddha) 'l'Eclairé, le Savant.'" Burnouf, Hist. du Buddhisme, tom. I. pp. 70, 71, note.

the mysteries which it was now his duty and theirs to unveil before their countrymen. Thus, he may have urged, shall the laws of our oppressors be proved to be theirs, and no longer those of our divinities! Thus, too, shall the persons of our oppressors be proved to be the same in nature as our own! But there was need of delay, as Bouddha knew, until his followers could be thoroughly prepared for their meditated insurrection. Meanwhile, the Brahmins bore it ill that the member of an inferior caste should presume upon exercising the powers which they claimed as their exclusive possession. Some of his teachers may have pronounced against him. From that moment, their order would be resolved upon overwhelming the Chatriya who had obtained an insight into their artifices.

It became necessary for him to declare himself more openly. He began, it would appear, with the denial of the Brahmin deities from whom it may have been literally believed that no favor would ever descend upon an assailant of the priesthood. "I make myself evident," said the god Krishna, through his Brahmin priests, "as often as there is a decline of virtue and an insurrection of vice and injustice in the world; and thus I appear from age to age."[26] If Bouddha attempted to set men free from the alarm excited by these avenging deities, he was one of the true champions whom humanity obtained in ancient times. The same spirit appears in his refutation of a doctrine according to which the lower classes had been weighed down by expiatory burdens. In place of the Brah-

[26] Bhagvat-Gheeta, p. 52.

min theory concerning the transmigration of spirits from one order of beings to another, Bouddha taught that death was the close of existence. While they lived, men could breathe more freely.

Having thus attempted to relieve men of their heaviest incumbrances, Bouddha pointed out the way in which they were free to proceed. The Brahmins allowed their subjects to imagine no greater virtue than that of dying in exactly the same position as the one in which they had been born. Bouddha began to talk of the virtues by which his fellow-subjects might rise above their degradation. His was the first voice to be raised in asserting the intellectual and the moral capacities of all classes. None whom he received as his converts were considered incompetent to exercise the highest powers.[27] A gardener, whom one of the legends describes as having offered a flower to Bouddha, was rewarded by the promise that he, too, should be a Bouddha, and a perfect one.[28]

There were exceptions, however, excluding a large number from the new association. The child was refused admittance without the approval of his parents. The debtor was rejected unless he could bring the consent of his creditor. The concurrence of the master was requisite to the acceptance of the

[27] "No vice is to be committed;
Virtue must perfectly be practised;
Subdue entirely your thoughts:
This is the Doctrine of Bouddha."
Analysis of the Dul-va by Csoma Körösi, in the Asiatic Researches, vol. xx. p. 79.

[28] Avadana Cataka, cited by M. Burnouf, Hist. du Buddhisme, tom. I. pp. 200 - 205. On the Bouddhist doctrines, generally, see Creuzer's great work on the Religions of Antiquity, Book I. ch. 5; Bohlen, Alte Indien, vol. I. pp. 323 *et seq.*; and a volume by Edward Upham on the "History and Doctrine of Buddhism."

slave.[29] Some were debarred on account of their crimes. Others were forbidden to mingle themselves with the converts because they were diseased or deformed.[30] The temper of the Brahmins was imitated in these restrictions as well as in the lines drawn after conversion between those who became ascetics or mendicants and those who continued in their ordinary callings.[31]

But the contrast of the Bouddhist league to the Brahmin priesthood was much more striking than any point of resemblance. A new society was organized. To govern it a new hierarchy was formed. "Kings, ministers, rich men, townspeople, traders and merchants,"[32] joined in obeying the new authorities and in carrying out the new principles. It was a strange spectacle to see the barriers between caste and caste yielding. It was a still stranger one to behold the laws, once proclaimed divine, now dwindling to the span of human statutes. The persons of the Brahmins themselves were beginning to be bereft of their prerogatives. Had the insurrection against them been swelled but a little more, they might have fallen. As it was, they had so completely quelled the spirits of their subjects, that the large majority even of the Chatriyas never stirred at the call of Bouddha. Still more submissive were the lower castes.

Upon those who did rebel the Brahmins avenged themselves with terrible swiftness. The life of the Chatriya leader appears to have ended in the midst of

[29] If, indeed, the slave was to be accepted at all. See the Analysis of the Dul-va, as above, pp. 53, 54.

[30] Ib., pp. 51, 57.

[31] Avadana Cataka, as above, p. 290.

[32] Ib., ib., as above, p. 200.

a persecution which resulted in the massacre or the flight of his adherents. In India, the Bouddhists relapsed into an order of helpless mendicants. Out of India, they spread far with colonies and monasteries. In these, the memory of Bouddha's doctrines and miraculous achievements grew into the traditional shapes which are still preserved.[33] The legend of his adversaries, on the contrary, relates how the world at one time became so excellent, and the Brahmins so little distinguished by their virtues, that the god Vishnu was fain to assume the shape and the name of Bouddha, in order to pervert the minds of the inferior castes by evil teachings which should bring them back to sin and shame.[34] It was by such interposition from their heaven that the Brahmins were content to have preserved their preëminence on earth.

It was to still darker results that their revelations led at last. Boasting the exclusive knowledge of a divine law, they were able to keep down their subjects as well as to break down their adversaries. Yet in imposing their laws upon their inferiors, the Brahmins imposed them upon themselves. They crushed the powers of others. But at the same time they crushed their own. They took from others not only the possession of liberty, but even the right to it. What they took from others they took from themselves. The

[33] "Die Geschichte des Reformators selbst ist mythisch." Bohlen, Alte Indien, vol. i. p. 307. See the Notices on the Life of Shakya from the Tibetan authorities, by Csoma Körösi, Asiat. Res., vol. xx. pp. 285 *et seq.* An article by Professor Salisbury on the "History of Buddhism," in the second number of the Journal of the American Oriental Society, may be consulted with advantage.

[34] For a different version of this tradition and others concerning Bouddha, see Coleman's Mythology of the Hindus, ch. xii. part i.

oppression which they exerted hung over their own eyes like the leaden cowls of the Inferno.[35]

Strange was the state of things that ensued. Within the barricades obstructing the paths of life, the priests stood sentinels with quick-eyed watchfulness against the occupations, the affections, and the passions by which they seemed fearful of being surprised. But it was not long either necessary or possible for them to keep their post. The subjects or the assailants whom they dreaded soon ceased to try the guarded ways, and crept among the narrower paths yet left free to them. On the other hand, the priestly forces fell into negligence and lethargy from which there was no awakening.

Words, indeed, remain to persuade us that all were not sleeping the sleep of death. The common drama describes a man, "the treasure of manly virtues, intelligent, liberal, and upright, who in the plenitude of his virtues might be said to live, while others merely breathed."[36] With greater solemnity the poem of diviner authorship acknowledged a "spiritual application of the soul, exceeding even the word of Brahma."[37] Above all, the law by which heaven and earth were believed to be secure confessed that, "of all duties, the principal is to acquire a knowledge of one Supreme God," as "the most exalted of all sciences," the only one which "insures immortality."[38] Perhaps the real explanation of the brighter gleams in all the ancient systems is, that they are the twilight of

[35] L'oppresseur n'est jamais libre. ANDRÉ CHÉNIER.

[36] Mrichchakati, Act I.

[37] Bhagvat-Gheeta, p. 67.

[38] Menu, XII. 85. Compare the Bhagvat-Gheeta, pp. 45, 55, 115.

the evening to some day which was passed, or of the morning to another day which was yet to come.[39] But the darkness settled more heavily upon the Brahmins. "Enveloped by the gloom of ignorance," as they confessed, "and internally bewildered, man knows not whence he is, who he is, whither he goeth, or what is his nature; by what bonds he is bound; what is cause, and what is not cause; what is to be done, and what is to be left undone; what is to be said, and what is to be kept silent; what is righteousness, what is iniquity; in what it consists, or how; what is right, what is wrong; what is virtue, what is vice."[40]

[39] The *ἀρχαῖός τις λόγος καὶ πάτριος πᾶσιν ἀνθρώποις*, which Aristotle describes, De Mundo, VI., ed. Bekker. Cf. Cic., Tusc. Quæst., I. 13. And see Leland's work on the Advantage and Necessity of the Christian Revelation, Part I. ch. 2.

[40] Vishnu Purana, Book VI. ch. 5. Truly may the historian conclude that "la legge teocratica è veramente la prima delle sperienze politiche." Micali, Storia degli Antichi Popoli Italiani, cap. XXI.

CHAPTER III.

A SECOND CLASS.

Regiam civitatem Ægyptii . . . . invenere.
PLINIUS, *Nat. Hist.*, VII. 57.

THE insurrection attempted in India had been partially anticipated. Centuries before Bouddha rose against the Brahmins, a second class appeared in Egypt to dispute the supremacy of the Egyptian priesthood. It was a military order, like that to which Bouddha belonged. Like that also, it was intrusted with the weapons which its superiors had laid aside in arming themselves with the laws and the superstitions of a priesthood.

The priests of India kept their warriors in their subjection. The priests of Egypt were less successful. The invaders from the South and from the East by whom they were repeatedly assailed could be resisted only by arms. But for the defenders whom they had in their warriors, the Egyptian priests would have lost their realms. From the position thus taken by the military in relation to the sacerdotal class, there was only a step to the position of equals. The foe had come with scorn for the authority which the priesthood declared to be divine. All that the victorious warriors had to do was, to dare as much as the enemies whom they had defeated.

The name of Menes stands upon the ancient records as that of the first man who reigned in Egypt.[1] That is, he was the first of the warriors by whom the supernatural pretensions of the priests were successfully disputed. With him rose the warriors who had supported him against their earlier rulers. The importance of the revolution to the nation at large seems to be indicated in the tradition that Menes united the various states into which his country was divided.[2] Whatever tended to liberty, tended to union amongst the Egyptians.

The sketches of Egypt in the Old Testament portray the sacerdotal and the military orders side by side. When Abraham went down from Haran into Egypt, he found a sovereign surrounded by princes, who could be no other than warriors.[3] When Joseph, two centuries afterwards, was sparing none whom he was not obliged to spare from degradation, he respected the rights of the priesthood alone.[4] This sounds as though he had not respected the rights of the military class. Yet the Hebrew minister can hardly be supposed to have prospered in his schemes of aggrandizing his master except with the aid of the warriors. The monarch is described as having attained to great state, both in the time of Abraham and in that of Joseph. But his power implies the power of the order by whom he was supported.

[1] Herod., II. 4.

[2] Id., II. 99. Diodorus Siculus, I. 45. "Menes created in the Egyptians a sense of their national unity distinct from all other nations, as Charlemagne did in the Germanic tribes." Bunsen, Egypt's Place in Univ. Hist., vol. I. p. 444, Eng. trans.

[3] Genesis, ch. XII.

[4] Ib., ch. XLVII.

This was long after the rise of Menes. The Old Empire, beginning with him, continued under eight-and-thirty sovereigns whose reigns are considered as having extended over a period of nearly eleven centuries. Next followed the Middle Empire, during the course of which a line of foreign chieftains appears to have ruled at Memphis, while the Egyptian monarchs, fifty-three in succession,[5] retained possession of Thebes. The duration of this divided sovereignty is reckoned at a little more than nine hundred years. It was succeeded by the New Empire, opening with the expulsion of the intruders from Memphis. Near the commencement of this later period, stands the name of Sesostris as that of the liberator and the conqueror.

The revolution, begun two thousand years before,[6] was completed by Sesostris. He is described as the especial legislator of the warriors,[7] with whose fortunes his own appear to have been more closely connected than those of any preceding monarch. Accustomed from his youth to the companionship of the warriors, or to that of their children with whom he was educated, Sesostris grew up to rely upon their devotion in return for his bounties to them. "Some," says the historian, "he courted with largesses of money, others with gifts of land, others still with remissions of penalties; while

[5] Amongst whom was the famous queen Nitocris, "handsome amongst women and brave amongst men." Manetho, cited by Sharpe, Early Hist. of Egypt, p. 37. On Nitocris, see Herod., II. 100, and Bunsen's second volume.

[6] According to the chronology derived from Bunsen's labors upon Egypt, Menes would have reigned about A. C. 3650. Sesostris belongs to the nineteenth dynasty, his actual name having been Ramesses. See the tables of Manetho, ap. Bunsen, Book I. sect. I. ch. 5; and in Cory's Collection of Ancient Fragments, pp. 110, 118.

[7] Diod. Sic., I. 94.

he won over all by his courtesy and affability of manner." His visions of conquest over the strangers within and those without his realms, could have no other basis than the spirits and the numbers of his warriors. "He thought it necessary to his ends," continues the historian, "that those who went to war should be ready to die for their leaders, and that those who remained at home should be indisposed to any seditious schemes against the government." [8] This second thought of the king implies the consequence to which the military class of the Egyptians were ascending under his patronage. The army which he gathered contained upwards of six hundred thousand men. Each of them left his lands free from tax or charge.[9] Each of them went to share in the spoils as well as in the perils of warfare.

The priesthood remained. They, too, had their claims upon the gains of warfare. They, too, had their immunities as proprietors. The superstition which they managed had not retained all its influence. But it was very far from being displaced. Many of the laws obeyed by the Egyptians were still considered to be divine. Of those regarded as human the greater part was composed by the priests, the whole was interpreted by them. The spirit by which they had profited in former generations still yielded to their statutes. At one time they would forbid physicians to use any other remedies than those prescribed in the sacred volumes.[10] At another, they would push their

[8] Diod. Sic., I. 54.

[9] Herod., II. 168. Diod. Sic., I. 73. All landed property, according to Herodotus (II. 109), was granted by the king.

[10] Diod. Sic., I. 82.

authority to such an extreme, as to confine musicians and artists to every rule established of yore.[11] While ordinances like these prevailed, the sacerdotal order was secure, howsoever threatening might be the attitude of the warriors. With the lapse of ages, the barriers between the two great orders were lowered, if not removed.[12] But neither of the orders disappeared. If the warriors obtained the predominance during a season of warfare, the priests recovered their influence during the periods of peace.

The monarchy itself was dependent upon both the orders. Upon the priesthood it depended for the support that statute or etiquette could give. The priests were the attendants, the judges, and the ministers of the monarch.[13] Into their order he was bound to be initiated.[14] By the instruction which he then received, he was guided through his reign. If one king, like Cheops, some centuries after Sesostris, ventured to slight the priests,[15] another, like Mycerinus, the reputed son of Cheops, bowed to their behests when they bade him prepare for death.[16] It was no part of any Egyp-

[11] Plato, Laws, Book II. See Winckelmann, Storia delle Arti, lib. II. cap. I.

[12] The Revue des Deux Mondes (Nouv. Série, tom. XXIII. pp. 838 *et seq.*) contains an article by M. Ampère, undertaking to demonstrate that the Egyptian castes were neither hereditary nor positively unequal. All that can be asserted with propriety is the apparent fusion of the military and the sacerdotal castes.

[13] Ten priests from each of the three principal cities, making thirty in all, were, with the king, the members of the supreme judicial tribunal. Diod. Sic., I. 75. They were also the depositaries of the sacred laws of Hermes, "the first germ," says Bunsen, (vol. I. p. 20), "of the civil law." As for Hermes, see Creuzer, Rel. Égypt., ch. IV. p. 443, trad. Franç.

[14] "Previously to his election." Bunsen, Egypt, etc., vol. I. p. 19. See Plutarch., Is. et Osir., c. 9.

[15] Herod., II. 124.

[16] And because it was not the will of the gods that Egypt should be governed by so virtuous a king! Herod., II. 133. Cf. Diod. Sic., I. 64.

tian monarch to alter the observances which the priesthood prescribed. Thus the daughter of Mycerinus, the king just mentioned, was enshrined after death in the gilded figure of a cow, before which incense was daily burned. The images of his concubines stood in the same palace to receive the same homage.[17] This dependence of the king upon the priests was tempered only by his dependence upon the warriors. On these he relied not merely for achieving conquest abroad, but for maintaining order at home.

Until the succession to the throne became hereditary, the weakness of the monarchy was unquestionable. "The kingdom," says Diodorus, writing long afterwards, "was not formerly transferred to the offspring of the kings, but was conferred upon those who had done the greatest service to the people."[18] After the succession became hereditary, it was still liable to be interrupted. Whenever a new monarch was to be chosen, the military and the sacerdotal bodies assembled to give their votes.[19] The successful candidate probably proved the involuntary, if not the voluntary, instrument of those by whom he was elected. "The great dragon" of which the prophet wrote, lay "in the midst of his rivers."[20] They might often rise high enough to sweep over him.

The warriors were not always able to proclaim a king from their own number. It happened at a time when their arms had failed against an invader from

[17] Herod., II. 129, 130.

[18] Diod. Sic., I. 43.

[19] Synesius, De Prov., Sect. I. pp. 94, 95, ed. Petav. The priests make the first circle in the assembly round the king; the warriors the second.

[20] Ezekiel, XXIX. 3.

the South, that a priest by the name of Sethon, usurped the throne. He laughed the warriors to scorn, not only because they had been recently defeated, but because they were still too nerveless to prevent his despoiling them of their possessions. His tone was suddenly changed. To repel a fresh invasion from the East, he would fain have obtained assistance from the order just before treated as his most helpless subjects. But the warriors refused to go forth against the foe. In his extremity the priest had the presence of mind to revive the courage of his adherents by assuring them that the god whom he served had promised him protection. Without a single warrior, but with a numerous host of traders and artisans, as they are called by the historian, Sethon advanced to the frontier. There the god came to his assistance by sending, as it was reported, the field-mice of the country to gnaw away the weapons of the invading army. At all events, the invasion was stayed; and Sethon set up his statue in the temple with the inscription, "Let him who sees me reverence the god!"[21]

Whatever were the changes amongst the higher classes, the lower classes remained in almost unchanging subjection. Sesostris is described by one writer as having divided the military class from the agricultural, probably the next in order.[22] Another writer mentioning three classes, inferior to the priests and warriors, styles them shepherds, husbandmen, and artisans.[23] A third writer enumerates five orders, namely,

[21] Herod., I. 141.
[22] Aristot., Pol., VIII. 10. 1.
[23] Diod. Sic., I. 74. In the Timæus of Plato (p. 93, ed. Stallbaum) there is mention of huntsmen, θηρευταί.

cowherds, swineherds, traders, interpreters, and boatmen.[24] It is probable that the three classes were at some time enlarged to five,[25] perhaps when the need of interpreters was felt by the later kings, whose courts and camps were filled with foreigners. In both lists, however, there is an omission of slaves as a distinct class. They may have been counted with one of the castes mentioned. They may have been left out of the enumeration on account of the foreign descent from which most of them had sprung.[26] The existence of the inferior orders bears witness to the early conquests of which they were especially the victims.[27] Their inferiority to the higher orders bears witness to the centralization that arose where the early conquests had been achieved.

None besides those belonging to the two superior castes can be said to have been in possession of any liberty. But there were many members of the inferior castes who may be allowed to have had a right to

[24] Herod., II. 164.

[25] The whole subject, however, is involved in difficulties. "The first caste was the sacerdotal order; the second, the soldiers and peasants, or agricultural class; the third was that of the townsmen; and the fourth, the plebs or common people." Such is the account of Sir G. Wilkinson, (Anc. Egypt., vol. I. pp. 237 *et seq.*), who thus attempts to harmonize the various descriptions of the Egyptian castes by uniting the warriors and the husbandmen into one; for which there is some authority in Diod. Sic., I. 28. Herodotus's division may need a word or two of commentary. The cowherds and swineherds were distinct, because swine were inferior animals. The Greek name for the traders is *κάπηλοι*, which answers to our "pedlers," and was perhaps purposely used to show the small estimation in which their caste was held. The interpreters were introduced under Psammetichus about A. C. 650. Lastly, the boatmen were for the Nile, and for the inundated country when the Nile overflowed.

[26] As Pastoret maintains, Hist. de la Législation, tom. I. p. 220.

[27] "Die Ägyptische Kasteneintheilung ist sehr alt; sie beweist sicher eine fremde Eroberung." Niebuhr, Vort. Alt. Geschichte, vol. I. p. 66.

liberty. The labors in the valley of the Nile resulted in a world of prodigies.[28] However poorly rewarded, nay, however cruelly abused were the multitudes who labored upon the field, the temple, or the pyramid,[29] they attained to powers that deserved the privilege of being freely exercised. There were artists amongst them as well as laborers, men of mind as well as men of muscle. Such as had only physical powers to use were trained to use them effectually. The rulers found it necessary to interfere in order to hinder even the swineherds from rising. They are not to enter the temples, ordered their priests.[30] The artisans were aspiring still higher. They are not to become magistrates, proclaimed their superiors.[31]

Thus far, and no farther, extended the increase of liberty in Egypt. A second class was able to emancipate itself, but not completely. When a third class would have followed the example, it was thrust back by both the classes in authority. Centralization was lightened. But it was still heavy and overwhelming.

Meanwhile, it was oppressing the powers of the upper classes. The knowledge from which the earlier priests had drawn their prerogatives changed to a jealous ignorance on the part of their successors. The earlier warriors were succeeded by men of energies so inferior, that the Egyptian armies were recruited by foreign adventurers. The arrival of these

[28] "Ce monde d'enchantemens." Sismondi. Études Écon Pol., 1er Essai.

[29] Diod. Sic., I. 64.

[30] The swineherds are represented in the Egyptian paintings as "lame or deformed, dirty or unshaven, etc., as if to show the contempt in which those people were held." Wilkinson's Egyptians, Second Series, vol. I. p. 126.

[31] Diod. Sic., I. 74.

was followed by the exile of two hundred thousand native warriors.[32] When the Persians came, five centuries and a quarter before the Christian era, they encountered but little resistance.[33] Two centuries afterwards,[34] both Persians and Egyptians submitted to Alexander of Macedon.

[32] About A. C. 650. Herod., II. 152 *et seq.* Diod. Sic., I. 67.

[33] Herod., III. 10.

[34] On this interval, see the articles by M. Letronne in the Mém. de l'Inst., Inscrip. et Bell.-Lett., tom. XVII. and in the Rev. des Deux Mondes, tom. IX., X.

CHAPTER IV.

A THIRD CLASS.

"Whose merchants are princes."
ISAIAH, XXIII. 8.

THE difficulty of rising by labor had been proved in Egypt. There the industrial classes had advanced only to be thrust back. Not everywhere could they even advance. But wherever they did advance, it seemed as if they, like the Egyptian laborers, must be thrust back into subjection.

For everywhere was labor condemned. The work of the priest was honored as wisdom. That of the warrior was also honored as valor. But that of the laborer, properly so called, was despised as servitude. He could never attain to wealth. What he earned went to enrich those who were already wealthy. Nor could he ever attain to authority. What he desired in this respect was kept from him without any difficulty on the part of those who already ruled. No wonder, therefore, that labor was held in universal contempt.

The first to overcome this were the Phœnicians. Their narrow and mountainous country presented no attraction to the warriors or to the priests of the early ages. Its own inhabitants were thrust out, as it were,

into the waters which opened a path to other shores. The Phœnician ships,[1] catching the sea breezes, sailed to all the neighboring coasts, from which they were swept on by the ocean winds to many of the remoter lands. Originally, the voyagers were probably little better than pirates. Force, rather than labor, was the means by which they made their gains. But their force was directed to such ends as to divert itself, more and more into the channels of labor. It was soon found better to barter than to plunder amongst the barbarians of Spain and Britain. The resources of those distant countries were to be developed before they could meet the demands of the Eastern nations. The freebooters gradually became the merchants of Phœnicia. As such, they were the first in antiquity to rise by labor.[2]

Other classes had hitherto prevailed. That there was a military order seems to be proved by the existence of a monarchy in each of the states into which Phœnicia was divided.[3] The presence of a priesthood appears from the authority of a high priest described as next in honor to the kings.[4] But neither the sacerdotal nor the military class, much less the individual

[1] For the building of which, as Heeren remarks, (Researches, etc., vol. II. sect. 1,) their forest-covered mountains furnished the ready means. On the navigation of the Phœnicians, see a memoir by Etienne Quatremère, Acad. des Inscriptions, tom. XV. ptie. 2, pp. 380 *et seq.*

[2] "In dem Epos des Weltverkehrs über die Meere beginnen die Phönizier." Reichard, Erinn. Staatsk. des Altert., II.

[3] When Tyre was besieged by Nebuchadnezzar, the king was displaced by judges, δικασταί. Josephus, Contra Apionem, I. 21.

[4] "Honos secundus." Justin., Hist., XVIII. 4. An instance of the king's being displaced by the pontiff occurs in Joseph., Contra Apionem, I. 21. Cf. Pastoret, Hist. Légis., tom. I. p. 328.

monarchs, had ever attained to any great power within the Phœnician territories. The merchants, composing a third class, found it comparatively easy to assert their independence.

Supremacy soon followed independence. In becoming the freemen, the Phœnician merchants became the rulers of their nation. The third class, like the second and the first, was a class of superiors. Their power originally derived from labor, spread wide with dominion.

From those who labored for them, liberty was as far removed as from the laborers of Egypt or of India. Centralization received no injury amongst the Phœnicians. The lower orders of that country bent beneath the burdens that weighed down the same orders elsewhere. The bulk of the population consisted of slaves and artisans. Above them were whatever warriors and priests there were. Above all were the merchants, literally the princes of the Phœnicians.

Brilliant, nevertheless, beyond all previous comparison, was the part of the Phœnicians in history. For nearly seven centuries they dwelt by "the sea and the coasts of Jordan." Their government consisted of a national confederacy, of which the chief cities were the first-born Sidon and Tyre. Far beyond these limits, however, extended the influence of the Phœnician rulers. The coasts of the Mediterranean and of the Atlantic [5]

[5] Besides their settlements on the shores and in the islands of the Mediterranean, the Phœnicians occupied Cadiz, and sailed thence, perhaps to Madeira and the Canaries, perhaps to Britain and the Baltic Sea. They also pushed their expeditions to the East; and some writers have claimed for them the credit of circumnavigating Africa and reaching America beyond the ocean. See Cantu, Hist. Univ., ch. xxv., at the end.

were strung with their settlements, of which the central jewel sparkled at Carthage. From city to city, from colony to colony, from shore to shore, the seeds of arts and sciences[6] were scattered in the furrows opened for the sake of gain.[7] Not in vain had a third class arisen in Phœnicia.

Its merchants had their fall. The renunciation of the labor by which they had proved their enterprise and attained to their prosperity, weakened them both as rulers and as freemen. The arms of Assyria[8] and of Persia[9] successively prevailed against them. Later still, they were subdued by Alexander of Macedon.

[6] One of their gifts was writing; another, arithmetic. They contributed greatly to the improvement of weights and measures. Goguet, Origine des Lois, etc., Ep. I., liv. 4, art. 1. Strabo (XVI. 2. 24) mentions their acquisitions in astronomy. See 1 Kings, VII. 13 *et seq.*, for the works with which Hiram of Tyre adorned the temple at Jerusalem.

[7] "L'histoire de la colonisation des pays situés sur les côtes de la Méditerranee pourrait tout aussi bien s'appeler l'histoire de la civilisation du genre humain." Sismondi. Études sur l'Écon. Polit., Douzième Essai.

[8] A. C. 567. Ezek., XXIX. 18.

[9] About A. C. 550. Herod., III. 91, IV. 89. Diod. Sic., XI. 3.

CHAPTER V.

THE PERSIAN EMPIRE.

"Les liens de la société unissent un plus grand nombre d'hommes."

TURGOT, *Disc. en Sorbonne*, II.

HITHERTO one portion of a nation has been ruling the remainder. This was centralization on its smaller scale. With the Persians, a nation appears united on comparatively equal terms in governing other nations. This was centralization on its larger scale.

Far back, beyond the reach of history, were founded the cities of Babylon and Nineveh, the one on the Euphrates, the other on the Tigris. Subsequently, the two were joined within the limits of a single Empire, called the Assyrian. Some years or centuries afterwards, the single Empire was divided into the three empires of Assyria, Babylon, and Media. Each of these obtained, in turn, a greater or less predominance over the rest.[1] Each, therefore, contributed its part towards preparing the regions over which it extended for the Persian Empire.

It was about five centuries and a half before our era, when the blast of conquest blew from the mountains of Persia. Thence descended a people partly pastoral,

[1] See Herod., I. 95. Diod. Sic., II. 21, 28. Vell. Pat., I. 6.

partly warlike, but wholly vigorous,[2] to whom the recent rulers in Media were the first to yield. The conquest of the states on that side of the Ægean followed. That of the tribes towards the north was begun when Cyrus, the king, or, as he was called, the Sun[3] of the conquerors, sank in death.[4] He left his son Cambyses to vanquish Egypt. The successor of Cambyses, Darius, the son of Hystaspes, completed the extension of the Empire.[5] Under him it stretched "from India even into Ethiopia, over one hundred and seven-and-twenty provinces."[6] No such expanse of territory, no such variety of population, had ever been united by centralization.

Above all these races and over all these realms rose the absolute authority of the Persian monarch. The leader in campaigns so vast and so successful as those of the Persians, was sure to win the richest spoils. The first one, Cyrus, had no time to spend in marking out his authority. His son, Cambyses, asked the judges, more peculiarly styled the interpreters of the law, to define what his father had left unsettled. "The king," they answered, "has the authority to do whatever he pleases."[7] Darius, the next on the throne, maintained "that none was better to rule than the individual selected as the most powerful of all."[8] Xerxes, the

[2] Plato, in his work on Laws (Book III.), describes the Persians as "the pastoral people of a savage country, accustomed to that severe breeding fitted to make them robust herdsmen, sleeping in the open air, bearing fatigues, and speeding on warlike adventures."

[3] Plut., Artax., 1.

[4] A. C. 530. He began to reign in 559. Herod., I. 127, 130, 190 *et seq.* 214. Ctesias, De Reb. Pers., Frag., 6.

[5] Reigning from 520 to 486.

[6] Ezra, I., 2. See Xenophon, Cyrop., VIII. 6. 21, 22.

[7] Herod., III. 31.

[8] Id., III. 82.

son of Darius, calling to council his nobles, "the princes of Asia," bade them remember that they came, not to advise, but to obey him.[9] The mother of Artaxerxes, persuading her son to a deed which he feared might offend his subjects, urged him on as their "law," their "judge of right and wrong."[10] To all this the Persians agreed. But not because they had no claims of their own.

It was not the monarchy that had made the Persians conquerors. It was rather from their deeds as conquerors that the monarchy had obtained its predominance. Nor do they seem to have regarded it as an authority by which they could be oppressed. On the contrary, it was the keystone in the arch under which they stood possessed of greater liberty than had fallen to the lot of any entire nation. The monarch did not rise alone. His victories, won by his people's arms, redounded to his people's rights. Down to the husbandmen and artisans, the Persians were released from tribute, as well as from various services imposed upon the lower classes amongst other nations.[11] "Darius was no sooner master of the Empire," wrote Plato,[12] "than he divided it into portions of which feeble traces still remain. He then established laws to which he subjected his own authority, and by which a sort of equality was introduced. He confirmed union and intercourse amongst the Persians, and won their hearts by gifts and kindnesses. So they willingly aided him

[9] Valer. Maximus, IX. 5. § 2 Ext.

[10] Plut., Artax., 23. See the citations of Brisson, De Regn. Pers., I. 14 *et seq.*

[11] Herod., III. 97.

[12] In the Laws, Lib. III.

in all his wars, by which he acquired as many countries as Cyrus had left when he died." This is a singular account to be given of any king or of any people in ancient times. But there seems no reason why it should not be accepted as denoting that the Persians had attained to an unusual degree of liberty. So far as this was, or was thought to be, secured to them by their monarchy, they might well be content with "obedience." In their eyes, says a foreign writer, "it was the greatest good."[13]

To understand this progress with the Persians we have only to mark the absence of divisions amongst them from the beginning. There was an early tradition, it is true, that Djemsheed, one of the hero-kings, separated his people into four classes. But the very names[14] attached to them prove the tradition to be altogether in advance of the times when the classes were supposed to have been formed. The Greek who writes of Persia gives an account of six tribes, three of which were agricultural and three nomadic.[15] These were distinctions, if they existed, faint in comparison with those which may be traced in other lands. Below the freemen of the country or the town were slaves, as in all the states of antiquity. Setting these aside after the Persian manner, as belonging to the class of foreigners or criminals, we find the nation composed of peasants, tradesmen, nobles, and priests. When all were warriors, as in the early times, they stood on

[13] Μέγιστον ἀγαθὸν τὸ πειθαρχεῖν φαινέται. Xen., Cyrop., VIII. 1. 3. See Plut., Them., 27.

[14] 1. Priests and Teachers; 2. Registers and Writers; 3. Soldiers; 4. Husbandmen, Artisans, and Tradesmen. Malcolm's Persia, vol. I. ch. 2.

[15] Herod., I. 125.

equal ground. In becoming rulers, they were separated by various distinctions. Different classes were formed. But to none were denied the rights consistent with the monarchy to which all submitted.

If there was any exception, it applied to the sacerdotal class. Nowhere had the fortunes of this body declined so low as in Persia. Its members, known by the name of the Magi, were drafted from the Medes whom Cyrus conquered, and to whom his people, especially the higher orders, left the offices of the priesthood as unworthy of their own ambition. When Cyrus died and Cambyses departed on his expedition to Egypt, the Magi set up one of their number as king. Even then they were obliged to bring him forward not as a priest, but as a brother of Cambyses, whose favors towards the Persians might possibly be requited by their allegiance. As soon, however, as he was found out, the pretended prince was put to death with all the Magi who had been most prominent in supporting him.[16] The surviving priests could have had no hope of recovering an authority thus decisively humbled. Their power, derived chiefly from their mysteries, yielded to the power which the monarch and his people derived from their open victories. The star of force again rose to the ascendant. But force was now modified by the wider relations into which men had entered. Their laws henceforth were framed not only for a caste, but for a nation. Above all, they were the laws of earth without pretensions to being the laws of heaven.

[16] Herod., III. 67 – 88. Ctesias, De Reb. Pers., 10 – 15.

A fresh light breaks in with the history of Zoroaster. He was of the highest birth amongst the Medes, in whose priesthood he rose to the highest dignity. The idea of restoring his order to its ancient supremacy may have been uppermost in his mind. But the doctrine uppermost upon his lips related to the interests of the nation at large. For all, the Medes as well as the Persians, he published the law of Good.[17] By this was understood the worship of Ormuzd, the god of Good, in opposition to that of Ahriman, the god of Evil. So far as the reception of his doctrine tended to the revival of the sacerdotal authority, Zoroaster may be supposed to have labored to that end. But for the priesthood he made no direct plea.

He came first before the king, to whom he unfolded his mission. "Thou art the vicegerent of the deity," said the prophet, "from whom the law of Good descends. Support it, and thou and thy people will be great!" It pleased the king to hear the glowing predictions of the prophet in case his appeal should be answered. According to the Persians, the name of the monarch was Gustasp, the same, it is probable, whom the Greeks called Darius, the son of Hystaspes.[18] Such a sovereign could not have hesitated to assure such a prophet of his protection.

It was no intention, however, of Zoroaster that the law of Good should redound to the advantage of the monarch alone. If the sovereign had powers which

[17] Zend-Avesta, tom. I. ptie. 2, p. 255. Cf. p. 106. These references are to the translation by Anquetil du Perron.

[18] According to Anquetil du Perron and Kleuker, — the one the French, the other the German, translator of the Zend-Avesta. A note to chap. VIII. of Gibbon's Decline and Fall contains the various authorities.

the prophet never thought of disturbing, he had obligations which the prophet never hesitated to proclaim. "The chief of chiefs," he declared, "must be he who is most abundant in good works."[19] In view of the immense power given, as he thought, by Ormuzd to a single mortal, Zoroaster felt himself bound to urge that Ormuzd should be served with fidelity. A sort of patriarchal government rose out of his uncertain longings.[20] The distance between the rule of the warrior and that of the patriarch did not hinder the reformer from proposing royal responsibilities more imperative than any which had yet been imagined amongst the loyal people of the Persian mountains. The king was not only exhorted, but directly instructed, to govern his subjects as Ormuzd himself would govern them, like a true father and friend.[21] High up in heaven before the throne of the god, the prophet had beheld a burning fire. While that lasted, he related, the king would live; but when Ormuzd willed, the flame would be extinguished and the king would die. And the monarch, before whom the prophet spake on earth, must have trembled with unwonted fear, at hearing his complete dependence upon the deity and the flame in heaven.

[19] Zend-Avesta, tom. I. ptie. 2, p. 128.

[20] "For nothing imperfect," according to one of the Chaldæan oracles, attributed to Zoroaster, "circulates from a paternal principle." Cory's Ancient Fragments, p. 241. See the essay of Kleuker on the Civil Life of the Persians, appended to his translation of the Zend-Avesta, vol. I. p. 71.

[21] "May the pure king command! May the wicked king have no power!" Zend-Avesta, tom. I. ptie. 2, p. 201. "Give to us," so runs a prayer, "a strong king, firm in right, who shall protect the good, and think nothing but what is virtuous." Ib., tom. II. p. 225. Him "who comforts and supports the poor" shall Ormuzd establish as the king. Ib., tom. I. ptie. 2, p. 81.

The society of Persia was to be constituted according to the celestial world. The chief of the family or the class, of the quarter or the city, was to be chosen for his virtue. When chosen, he was still to be accountable for the use of his authority.[22] Side by side with the accountability of the superiors was the perfectibility of the inferiors. Every class was capable of being uplifted. The relief of the indigent was exalted to the highest service[23] which Ormuzd could receive. Husbandmen were pronounced to be "sources of blessings."[24] They were taught not only to sow their grain "in purity,"[25] but to imitate the courage of the noble in battle. The noble, in his turn, was to aspire after the preëminence of the king. The king was to look upwards to the divinities in whom he believed. No class could be hedged in by barriers forming either a dungeon from which its own members could never emerge, or a fortress into which inferior ranks could never penetrate. Not a Persian, according to Zoroaster, should be denied the rights, if he would but fulfil the duties, created by the law of Good. This was a higher form of liberty than had yet appeared.

[22] "He who is without sin shall correct him who has committed sin, and the simple Persian shall have the power to reprove even the doctor of the law." Zend-Avesta, tom. I. ptie. 2, p. 128.

[23] Zend-Avesta, tom. I. ptie. 2, p. 284. So "he who gives alms unites himself with him who receives." Ib., tom. II. p. 35.

[24] Ib., tom I. ptie. 2, p. 141.

[25] The "purest point of the law" was to "sow the earth with grain." Ib., p. 284. The great duty of every man was to keep himself pure. "The word of the pure Zoroaster" was his guide; but "he who purifieth his own law by the holiness of his thoughts, of his words, and of his actions," was declared to "give a new purity to the pure law." Ib., tom. I. ptie. 2, pp. 105, 141, 367.

After all, it was but a form. The rights of the Persians could not be maintained against the prerogatives of their kings. Nor were there many rights which the Persians could call their own. Had the law of Good prevailed against the laws of their monarchs, it would have advanced their powers and consequently their rights. But because an individual proclaimed a higher law, it did not follow that the Persians should be either willing or able to accept it at his hands. Human laws alone remained to them. That they were not declared to be divine, may be taken as accounting for the glimpse of liberty which Zoroaster obtained. But the same laws allowing him to look up dragged down his race beneath a centralization yearly and daily increasing in its oppressiveness.

Zoroaster himself had never seen far. The visions beheld in intercourse with the Persians gave way to very different views the moment that he turned towards the nations whom they had made their subjects. To his sight the strangers were disbelievers, or, at the best, believers in the evil deity against whom the god of Good and his worshippers were bound to contend.[26] It was the obligation of every class amongst the Persians to maintain a jealous dominion over every class amongst the other nations constituting the empire. Exception was made in favor of the Medes, always associated with the Persians on comparatively equal terms. Beyond these, there were none worthy of being aught but slaves. In such a doctrine superstition

[26] There are various stories of Zoroaster's intercourse with the Brahmins, the Jewish doctors, and even with Pythagoras. See De Guigniaut's notes to Creuzer's Religions, etc., tom. I. pp. 689, 690.

returned to mingle with the force by which the Persians and their monarchs ruled.

What the prophet preached was already practised. Dearly had the provinces paid for their inability to defend themselves. The Empire was organized upon the principle that all Asia belonged to Persia.[27] It appeared in the day of conquest. The king of Egypt was transported with six thousand Egyptians to Persia.[28] The Lydians, just saved from being slaves, were turned, as the historian remarks, from men into women.[29] The day of conquest was followed by the day of subjection. Troops from the provinces recruited the imperial army.[30] Tributes from the provinces replenished the imperial treasury.[31] Every burden that could be laid was heaped upon the subject realms. "I have heard," says Socrates, in one of Plato's dialogues, "a trustworthy man, one who had been an ambassador to Persia, say that he had travelled for nearly a whole day over a vast and fertile country which the inhabitants call the Queen's Girdle; that there is another called her Veil; and that there are many more fair and fruitful provinces whereof the revenues are applied to the wardrobe of the queen, each bearing the name of the article supplied."[32] Offerings of the same sort were required by the wives

[27] Herod., tom. I. 4. So, at III. 88:—"All the people of Asia, except the Arabians, were subject to Darius."

[28] Ctes., De Reb. Pers., 9. Cf. the fate of the Barcans under Darius. Herod., IV. 202–204.

[29] Id., I. 155, 156.

[30] See the lists of Xerxes's army in Id., VII. 59 *et seq.* One is reminded of a line in Ferdousi, in which the poet speaks of

"Suppliant crowds, vast as the spreading sea."

Champion's trans. p. 209.

[31] See the lists of those taxed by Darius in Herod., III. 89 *et seq.*

[32] Plato, Alcib., I.

of the satraps in command of the provinces.[33] As for the satraps and the kings, their wants were illimitable. To all these demands there was no resistance to be made. The rights of the subjects were not only violated by their rulers. They were forgotten by the subjects themselves. The Empire was upon the largest scale of centralization.

The separation of the Persians from their subjects was as ruinous to themselves as to those whom they oppressed. But little more than two centuries had passed since the first conquests, when the tottering Empire was beaten to the dust by Alexander of Macedon.

[33] Herod., II. 98.

CHAPTER VI.

THE GRECIAN REPUBLICS.

Πᾶσα ἡ Ἑλλὰς ἐσιδηροφόρει,—

"Greece was all armed with iron."

THUCYDIDES, *Hist.*, I. 6.

GREECE was shaped for conflicts. The river parted the valley. One valley was separated from another by the mountain. Between mountain and mountain the sea broke in. The same barrier severed the south from the north except where a narrow isthmus intervened with rugged passes. Of such a land the natives were arrayed one against another as foes. Of such a land the invaders prevailed against the natives only to be divided against themselves.

The first to be free were the heroes in these conflicts. Whoever fought successfully displayed the powers from which liberty, both as a right and as a possession, was derived. As they were the first freemen, so they appear to have been the first rulers in Greece. No sign of struggles between them and a priesthood, or any other class, is to be seen. They were the best men of war[1] in a country where war was the best means of securing both liberty and dominion.

[1] Et optimus quisque dictus ἄριστος, qui Ἄρει (Marte) esset præstantissimus. Ever. Feith, Antiq. Homer., lib. IV. 7. See Aristot., Pol. III. 10.

Mere force, however, proved as temporary an instrument with the masters of Greece as with those of other lands. The absence of any class that could dispute the supremacy of the heroes left them free to maintain themselves upon better grounds. Hercules delivers his countrymen from dangers which none but the hero could subdue. Jason leads his Argonauts upon adventures which none but the hero could achieve. Æsculapius heals the sick; and he is declared the son of Apollo. Æacus averts a famine from his subjects; and they venerate him as the son of Jupiter. As the traditional approaches the historical period, the hero exercises his powers in less marvellous ways. Minos, the conqueror, becomes the civilizer of Crete.[2] Theseus, the king, becomes the legislator of Athens.[3] Under such rulers, the Grecian states at length united for purposes of peace. The Amphictyonic league actually guarded against the outbreak of hostilities amongst the twelve tribes composing the confederacy.[4] Thus may the heroes be said to have supported themselves not only by force, but by right. No longer the best men in war alone, they were likewise the best men in peace. Their powers, superior to those of their sub-

[2] Minos was of the third generation before the Trojan war. Herod., VII. 171. See Id., I. 171, 173, III. 122; Thuc., I. 4, 7; Aristot., Pol., II. 7, 2.

[3] Theseus belonged to the next generation after Minos. Clinton, Fast. Hell., vol. I. p. 64, note 7. On the "marvellous great enterprise" which Theseus was believed to have accomplished, see Plutarch's life of the hero.

[4] The Thessalians, Bœotians, Dorians, Ionians, Perrhæbians, Magnetes, Locrians, Ætæans or Anians, Achæans of Phthiotis, Malians, Phocians, and Dolopes. So Hermann gives the names. Polit. Antiq., and the references in note 3 to § 13, ch. 1. See also Wachsmuth., Hist. Antiq., § 24, and Niebuhr's Lectures on Anc. Hist., Lect. 28.

jects, gave them the right to liberty. The right to dominion issued from the same spring as well as from the force by which it had been originally maintained.

The age of the heroes was not an age for laws. But so far as there were any laws, like those of Minos in Crete or those of Theseus in Athens, like those, again, by which the Amphictyons were leagued, they were the laws of men. Superstition was not absent from the Grecian warriors. But it did not weigh them or their subjects down by laws supposed to be divine. Under laws professedly human, there was a possibility of human progress.

All other interests, however, continued subservient to those of warfare. The expedition against Troy renews the sounds of battle. More various forces and more gallant chieftains had never met, according to the legends, than assembled at Aulis to cross the Ægean. More bitter enemies and more broken hosts had never appeared than the victors returning from the ruins of Troy.[5]

But the heroes of yore do not reappear. Despite the passions and the disasters of the Grecian chieftains, they are of a nobler stamp than that of untempered warriors. Homer, their historian as well as their poet, describes a new order of heroes. The place of honor in the Iliad does not belong to the manslaying Achilles. The poem closes with the burial of Hector, the humble son and the compassionate brother, the loving husband and the childlike father. Far from glorying

[5] The fall of Troy is placed, according to Eratosthenes, at A. C. 1183, — according to Callimachus, at A. C. 1127. Clinton's Fast. Hell., vol. I. p. 140.

in the battle, Hector returns from it hesitating to offer up his vows with blood-stained hands.[6] The grief of Andromache at his loss, implying the love that had existed between him and her, is the exaltation both of the woman and of the hero. The poet rises above his times in the expression of human affections. The love of the child nurtures the parent in old age.[7] The love of the man protects his fellow men, strangers or slaves though they might be, because they as well as he belonged to the deity.[8] The hero of the Odyssey is one depending upon his mind rather than upon his arm. In following Ulysses, the poet leaves the battles of the warrior to trace the struggles of the man. The Homeric heroes are no longer those of oppression. They have become the heroes of humanity.

Before Homer sang of his heroes,[9] they had been succeeded by several generations. Amongst the vicissitudes of the period, the most important were caused by the descent of the Heracleids, that is, the descendants of Hercules, into the Peloponnesus.[10] Aided by troops of Dorians, they made themselves masters of the greater part of the peninsula, where they established the three kingdoms of Argos, Messenia, and Sparta. The Heracleids were the kings, the Dorians the councillors, so called, and the freemen of the newly acquired realms.

At first the victors ruled by arms. But the disturb-

[6] Iliad, VI. 266 – 299.

[7] Ib., IV. 478.

[8] Odyss., VI. 207, 208. IX. 270.

[9] "The ἀκμή of Homer, taken from the age of 25 to 60 years, will fall," is the conclusion of Mr. Clinton, "within B. C. 962 – 927, or from 165 – 200 years after the Trojan era," reckoning this at A. C. 1127. See note to Fast. Hell., vol. I. p. 362.

[10] About A. C. 1050. Thuc., I. 12.

ances amongst themselves as well as amongst their subjects made it imperative to introduce some other restraints than those which mere warriors could impose. Especially was this the case at Sparta. The kings and the councillors were at strife. The freemen, that is, the mass of the conquering Dorians, were in rebellion against their superiors. Against all, the vanquished inhabitants of the town and its adjoining territory were waiting an opportunity of insurrection. To sound a cry to battle on any side would have been the signal of a general conflict in which the least numerous ran the risk of overthrow.

These were the Dorians, by whom the name and all the rights of Spartans had been engrossed from the time of the conquest. It was about two hundred years after that event when the conquerors determined upon dealing a new stroke against the conquered. Force was to be supported by legislation.

Lycurgus was a member of the royal family. His interests and his passions were all on the side of those who ruled. To maintain these he assumed the functions with which they invested him as their legislator. No point in his history is so well known as the solemnity with which he entered upon his labors. The question lay between his countrymen and their bondmen. To overawe the latter and at the same time to assure the former, Lycurgus repaired to the oracle at Delphi, in which the Dorian race reposed the deepest confidence. He asked what laws would prove most serviceable to the Spartans. "Such," was the reply, "as shall render one party powerful and the other party

submissive."[11] With such he returned from the temple to his countrymen.[12]

Two kings reigned as colleagues at Sparta. Lycurgus seems to have left them as he found them, incapable of tyranny, but hedged on all sides against degradation. The council called the Senate was opened to all Spartans who had reached the age of sixty years. It was then intrusted with nearly the same authority which it had previously obtained respecting the proposal of laws, the judgment of criminal cases, "the power of life and death, of honor and dishonor, and, in a word, of all important things."[13] The senators, with whom the two kings sat in council, were literally the lords of the Spartan state.[14] Next to them were the members of the Assembly, consisting of the younger Spartans. No one, however, was to be admitted to the Assembly before the age of thirty, nor was he then to take part in any other proceedings besides elections to certain magistracies and decisions on the laws brought into the Assembly from the Senate. It was also within the province of the Assembly to determine upon peace and war. But its votes were then the acclamations of warriors rather than the resolutions of citizens. The Assembly, like the Senate, was probably but little altered by Lycurgus.[15]

[11] Diod. Sic., Reliq., IX. 14, ed. Müller.

[12] Herod., I. 65. Plut., Lyc., 5. The date being about A. C. 820. Clinton, Fast. Hell., vol. I. p. 141, vol. II. p. 408.

[13] Κύριον ὄντα καὶ θανάτου καὶ ἀτιμίας καὶ ὅλως τῶν μεγίστων. Plut., Lyc., 26. Cf. Xen., Lac. Resp., cap. X.

[14] Δεσπότης ἐστὶ τῶν πολλῶν, "he is a lord over the multitude." Demosth., Adv. Leptinem, 107.

[15] "After organizing your tribes," ran the oracle which Lycurgus was said to have received, "constitute your Senate of thirty men, including the kings. Then, from time to time, hold your Assembly, so that the people may decide upon affairs." Plut., Lyc., 6, amended.

He found both bodies composed exclusively of Spartans. None, therefore, could be fitter to adopt or to execute the laws with which he designed to secure the Spartan supremacy.

After confirming the rights of authority, Lycurgus went on to confirm the rights of property, to which the Spartans alone had claims. Here the lawgiver came in sight of a twofold object to be attained. On the one hand, he saw the necessity of absorbing the possessions of the subject classes in those of the Spartans. On the other, he perceived the importance of equalizing the possessions of the Spartans themselves. No serious dissensions could arise on their part, were they declared to be invested each with the same amount of land or of other property. Nor could any serious commotions occur on the part of their subjects, were these cut off from every resource as well as from every privilege. The old biographer relates that Lycurgus assigned nine thousand equal portions of land to the Spartans, while he divided thirty thousand portions, also equal, amongst the subject Laconians.[16] There is but one possible way of reconciling these numbers both with the exigencies of the period and the narrow limits of the territory then belonging to Sparta. This is to suppose that the thirty thousand lots were subdivisions of the nine thousand; in other words, that the number of lots, corresponding with the number of the Spartans,[17] was subdivided into a number corresponding with the num-

[16] Plut., Lyc., 8.

[17] According to certain authorities, this number was but forty-five hundred. Id., ib., 8.

ber of the Laconians.[18] The Laconian would then be held to service as well as provided with sustenance upon the estate of the Spartan. At the same time, the Spartan would have his share not only of the public territory, but of the public bondmen.

Bondmen in fact, if not in name, were the Laconians. They had been the lords of the country before the coming of the Dorians. In proportion to the independence which they once possessed was the dependence to which they were now reduced. There was, however, a lower class more particularly designated as bondmen. These were the Helots, formerly the slaves of the Laconians, with whom they were enslaved anew to the victorious Spartans. The oppression from which the Helots suffered is described in fearful details by the ancient writers.[19] But the lot of the slave, accustomed to ignominy and to persecution, was hardly so cruel as that of the Laconian who was reduced to servitude. From neither class did Lycurgus lift so much as a single chain. On the contrary, his laws imposed additional fetters upon both the Helot and the Laconian. For not until both were bound beyond the possibility of being loosed, was the aim of the Spartan legislation fulfilled.

The republic thus constituted was but another instance of the ancient centralization. Nor did it furnish an exception to the law by which the freemen,

[18] The terms of the decree proposed by Agis, the king of later days, seem to imply that the Laconians had never held land in their own name. Plut., Agis, 8. So the expression of Cinadon, Xen., Hell., III. 3. 5.

[19] As by Thucydides (IV. 80) or by Plutarch (Lyc., 28.)

under any system of centralization, made themselves rulers only to make themselves subjects in the end.

The Spartan was bound to even greater submission than the alien or the slave under the laws. Whatever in them was accounted bravest, that he did; whatever by them was considered mildest, that he abandoned. The husband stole his bride by force, and visited her by stealth, for fear of seeming to be happy in himself or her. The child, if not destroyed at its birth by the authorities, was taken by them from its parents[20] as soon as it had reached the age of seven. None but the heirs to the double throne were released from the necessity of being educated according to a common discipline. The older boys were set to watch the younger ones; the men of forty were superior to the men of thirty; and from the hour of birth to that of death, the Spartan was as much accustomed to obey his elders as he was to rule over his inferiors.[21] The men ate their meals in public together. Together they went to the training-ground or to the field. Nor could any venture to sit by his hearth-stone, or to tend the fruits that might be growing on his lands. The women, forbidden to pursue the household occupations which they would perhaps have made too winning, shared in the exercises of the men.[22] As much was

[20] "Ne produisant au lieu d'enfants que de petits citoyens." Du Méril, Revue des Deux Mondes, tom. xv. p. 84.

[21] Even the magistrates were under the control of the Nomophylaces, the guardians of the laws, ἐπισκοποῦντες, as Xenophon says, Œcon., ix. 14. They were not, however, peculiar to Sparta.

[22] See Xen., Lac. Resp., cap. i., and his complaint in cap. iii., that the Spartan women of his times were less modest than the men. It is possible only to allude to the barbarous customs by which the ties between husband and wife were often broken.

required from one sex as from the other to meet the wants of the state, that is, of the warriors constituting the state. "He trained the citizens," says the biographer of Lycurgus, "neither to desire nor even to think of living according to their own will. . . . . No one could live so; but in the town as in a camp, each one had his appointed duty and service. Each one, moreover, knew that he belonged, not to himself, but to the republic."[23] It was the only mode of supporting a state, whether an empire or a republic, according to the rules of centralization.

Lycurgus was the first to be sacrificed to his laws. The danger which he had braved in publishing them was not enough to prove his devotion.[24] "These things," he said to the people when his ordinances were completed, "are intended to make you prosperous and brave. But there is one point, the chiefest and the greatest of all, that I cannot establish without consulting the deity. Ye must abide by the laws already appointed, neither removing nor changing any thing until I return from Delphi." Nor did he depart until the oaths of "the kings, the senators, and then the other citizens" had assured him of their fidelity. To his anxious questionings at Delphi, the oracle replied that his laws were good, and that the state supported by them would become very glorious. Satisfied with this response, he sent it to Sparta, whither the tidings of his death soon followed. Rather than endanger his laws by releasing his countrymen from their oaths, he died.[25]

[23] Plut., Lyc., 25, 24.
[24] Id., ib., 11. Sol., 16.
[25] Plut., Lyc., 29. Cf. Herod., 1. 65. The milder qualities of the law

He left a race of warriors[26] secured in the liberty and in the dominion that had been imperilled. The conquest of Laconia was soon completed. To this succeeded long contests with Arcadia and Argos, the sister kingdom.[27] A century passed, and war arose with the other Dorian kingdom of Messenia. The Messenian warriors once and again repelled the warriors of Sparta. After long contests, the latter triumphed.[28] The lust of conquest was quickened with every successive victory. In less than three centuries from the time of Lycurgus, his warriors were not only the masters of the Peloponnesus but the superiors of Greece.[29]

Meanwhile triumphs abroad had led to commotions at home. Sometimes the ruling class appears divided, as when one of the laws was altered to the effect that the Assembly must submit to the Senate.[30] At other times, the rulers are seen contending with their subjects, as when an inferior order of the Spartans was admitted to the privileges of the superior class. The Laconians and the Helots were not yet stirring. But there were many warriors from Argos and Messenia to come into the state of their Spartan conquerors with associations and energies of the same stamp as those

giver are summed up by Van Limburg-Brouwer, Civ. Mor. et Rel. des Grecs, tom. II. ptie. 2, p. 393.

[26] Θηριώδεις, brutes, says Aristotle, De Rep., VIII. 4.

[27] Καὶ δή σφι οὐκέτι ἀπέχρα ἡσυχίην ἄγειν, "And already was it no longer enough for them to live in peace," says the old historian. Herod., I. 66. Cf. Thucyd., I. 18.

[28] The first Messenian war was from A. C. 743 – 723; the second from 685 – 668, according to Pausanias (IV. 15,) or from 648 – 631, according to more acceptable chronology. See Müller's Dorians, Book I. ch. 7, § 10, and notes. Aristomenes was the hero of the second war.

[29] Herodotus speaks of the embassy from Crœsus to the Spartans, A. C. 540, as sent to the nation προεστάντας τῆς Ἑλλάδος. I. 69.

[30] Plut., Lyc., 6.

of the Spartans. They would rise, therefore, not perhaps as bodies, but certainly as individuals. With some such enlargement of the ruling class is connected the institution of a new magistracy, about a century and a quarter after Lycurgus.[31] The title of Ephors had long been in existence. But it was at this time applied to five men chosen from the Spartans at large, to maintain the powers of the Assembly against those of the Senate and the kings.[32]

None of these changes altered the warlike characteristics of the race. "He who has this," cried one, as he drew his sword long afterwards, "he who has this is in the right against all men."[33] Another said much the same thing in declaring that the Spartan territories extended "as far as his spear could be hurled."[34] While spears and swords were flashing beyond the frontier, the statue of Mars stood chained in the centre of the Spartan dominions.[35] The inspiration and the power of the Spartans were those of warriors. Their liberty was likewise that of warriors. They were the rulers of their subjects, the conquerors of their foes. But they were also the slaves of the laws by which they were trained to conquer and to rule.

The other countries of Greece were not at rest. Continually agitated by warfare they were as continually stimulated to develop the resources on which warfare depended. Progress was the characteristic of

[31] See Thirlwall's Hist. Greece, ch. IX., or Arnold's Thucyd., App. II.

[32] Aristot., Pol. II. 6. 14 *et seq.*; Plut., Lyc. 7; Herod., VI. 82, 85; Thucyd., I. 131; Xen., Resp. Lac., Capp. VIII. XV.; Müller's Dorians, vol. II. pp. 128, 130, etc.

[33] Plut., Apophth., ed. Reisk., tom. VI. p. 721.

[34] Id., ib., tom. VI. p. 790. Cf. Thucyd., V. 105.

[35] Pausan., III. 15.

all. With one generation, it appeared in an increase of physical power. The campaign was borne with greater hardihood. The colony was founded with greater adventurousness. The game was celebrated with greater affluence. With another generation, there was progress of an intellectual character. The breasts of the warriors began to warm with love of art. Poetry, speeded by more numerous minstrels, spread from heart to heart amongst all classes. Highest of these intellectual powers, so much the highest as to look like spiritual powers, were the aspirations of the wise men, as they were called.

First of the sages[36] was Thales, living six centuries before our era, at Miletus, on the Asian shore of the Ægean. To him the wants of his age, breathing on other men like dying puffs of air, were unceasingly speaking as with living breezes from the mountain or from the sea. He turned back, boldly and far, to the origin of things, as if to free the world from the hidden agencies by which it had been alarmed. It was the effort of a wise mind, one might almost say, of a wise heart. Neither Thales nor any other man could form a true conception of the Great Original. Yet the murmurs which fell from Thales are like the promises of better times. Imagining moisture to be the principal agent in creation,[37] he referred its operations entirely to the control of a Divinity, in his own words,

[36] "Unus e septem, cui sex reliquos concessisse primas ferunt." Cic., Academic. I., Lib. II. 37. Πρῶτος σοφὸς ὠνομάσθη. Diog. Laert., I. 22.

[37] Πάντων τῶν ζῴων ἡ γονὴ ἀρχή ἐστιν ὑγρὰ οὖσα. Plut., De Plac. Phil., I. 3, tom. IX. p. 472. Cf. Ritter et Preller, Hist. Phil. Gr. Rom., sect. 15.

without beginning and without end.[38] There could be no nearer approach to spiritual power than in such devotion, unconscious though it were, as that of Thales.

These proofs of higher powers were so many claims to wider liberties. To a certain degree the claims were answered. Whatever tended to extend the spheres in which men lived tended to enlarge the laws under which they lived. There were none but human laws to deal with. They could therefore be made to correspond with the changes that had occurred in human fortunes.

Even before the laws were touched, signs might be seen that indicated approaching alterations. Scarce a state in Greece but had its revolutions. Not only were the heroes giving place to kings and senators; but the kings and senators thesmelves were yielding to the main body of freemen. In many places, leaders appeared under the name of tyrants, sometimes to save the prerogatives of royalty, sometimes to advance the rights of the so-called people. More commonly, the question lay between one party and another of the higher citizens. One party was increasing, while the other was decreasing in resources. One was styled the rich; the other went by the name of the poor. Poorer than the poorest citizens might be the bondmen and the aliens. But the point at issue in most of the Grecian states was one in which the citizens alone were concerned. It was to be proved whether one portion of these citizens should or should not fall below the rest.

[38] Τὸ Θεῖον τὸ μήτε ἀρχὴν ἔχον μήτε τελευτήν. Diog. Laert., I. 36.

Athens, as its people fondly believed, occupied the centre not only of Greece, but of the whole world.[39] In that position, it was supposed to have escaped the migrations and the conquests by which the neighboring realms had been laid desolate.[40] Nowhere else, it is plain, did the heroes sooner lay aside the trappings of warriors. The classes whom Theseus is described as having united under the Athenian name are of nobles, husbandmen, and artisans.[41] Those existing many centuries afterwards are described as mountaineers, lowlanders, and coastmen.[42] Nor was the transformation of the Athenian warriors one merely of name. Worsted in several attempts to recover Salamis from the petty state of Megara, the Athenians declared it a capital crime to propose any further expedition against their enemies. None would have been proposed but for the courage of a man who, in exciting his countrymen to arms, was obliged to feign insanity.[43]

This man was Solon, a descendant of the royal house of Athens. Ardent by nature and ardently attached to the fame of his race, Solon grew up to see it in danger of degradation. The honor of the Athenians was considered to be tarnished not merely by their relations with Megara, but still more by their relations amongst themselves. The degeneracy of the Athenian warriors was evidently ascribable to the divisions in their order. The lowlanders, so styled from their landed possessions upon the plains of At-

[39] Xen., De Vectig., cap. 1.

[40] Thucyd., 1. 2. Herod., 1. 56. So Aristoph., Vesp., 1076:—

Ἀττικοὶ μόνοι . . . . αὐτόχθονες.

[41] Εὐπατρίδαι, Γεωμόροι, Δημιουργοί. Plut., Thes., 25.

[42] Διακρίοι, Πεδιαῖοι, Πάραλοι, Id., Sol., 13.

[43] Id., ib., 8.

tica, formed a close aristocracy. Had their propensities been ever so warlike, they could not go to battle without the aid of the mountaineers and the coastmen, as the pastoral and trading classes were named. But between these and the wealthy lowlanders there existed a war which effectually extinguished the possibility of successful wars with foreign adversaries. Again in Greece had it become necessary to support dominion by legislation. Solon was the first to rouse his countrymen against their foes abroad. He was the first to rescue them from the depth of their dissensions at home. Charged with mediation and legislation in reference to the existing wants of the Athenians, Solon was appointed to the archonship at the age of forty-four.[44]

Solon had both his example and his warning before him. His example was Theseus, by whose laws the Athenian race had been united. His warning was Draco, a noble of the preceding generation, by whose laws the divisions of the race had been widened.[45] While Solon was engaged in framing his own statutes, he received a visit from the Scythian Anacharsis. "How canst thou imagine," asked the stranger, "that the injustice of thy countrymen is to be restrained by words? For what are these but spiders' webs that hold the weak and the poor, whilst they are broken through by the rich and the strong?" The question of itself implies the spirit in which Solon had begun his work. His answer is to the same point. "I am

[44] A. C. 594. Plut., Sol., 14.

[45] They were "the laws of a dragon (*δράκων*)" said the Greek, "not of a man." Aristot., Rhet., II. 23 ad fin. See, further, Id., Pol., II. 9. 9. This was in A. C. 621.

adapting my laws to my countrymen," he said, "in such a way as to make it better for all to keep them than to transgress them."[46] One of his first measures was to repeal the laws of Draco.[47] He profited therefore by his warning. A brief statement will show how he also profited by his example.

"The city was in great danger," says Plutarch; "for all the common people were sore indebted to the rich. . . . . If they were unable to pay, they were then delivered over to their creditors, who kept them as bondsmen in their houses, or else sent them away to be sold in foreign lands. Many were even forced to sell their own children and to forsake their homes."[48] To relieve these decayed Athenians, Solon procured the passage of a law, then or afterwards called the Discharge.[49] By this, according to some accounts, the debtors were discharged simply from paying so high a rate of interest as they had been previously obliged to do.[50] Other authorities represent the discharge as having consisted in the liberation of the debtors at once from bondage and from the debts by which it had been caused.[51] In all probability, the obligations contracted by the needier class remained in full force, at the same time that the debtors already enslaved were released,[52] while the debtors in dread of being enslaved were delivered from their fears by the abolition of servitude as a punishment of debt. The

[46] Plut., Sol., 5.
[47] Id., ib., 17.
[48] Id., ib., 13. On the other hand, Diodorus mentions the luxuries in which the rich were plunged. Reliq., IX. 1.
[49] Σεισάχθεια. Plut., Sol., 15, 16, 23. Diod. Sic., I. 79.
[50] Plut., Sol., 15.
[51] Id., ib.
[52] Those in foreign bondage being also restored. Id., ib.

lawgiver who hesitated to make a division of lands[53] amongst the poor, could not have totally abolished their debts. The law of discharge was rather one of discharge from slavery.[54]

To secure the liberty of the discharged, the substance of the Athenian institutions was remoulded. Only the highest noble[55] had been admitted, as he grew up, to the privileges of the ancient Genos or Name. Only the noble, therefore, was a member of the Tribes formed from the Fraternities of which the Names were the component parts.[56] The main body of the Athenians went by the appellations of husbandmen or mountaineers and artisans or coastmen, without any real political franchise. A new scale was now introduced adapted to a census of the services contributed to the state.[57] Four classes, equally entitled to the name of citizens, were thus created. The first,

[53] Plut., Sol., 15, 16.

[54] As it was, it led to knavery enough, if we may trust the story told by Plutarch. Sol., 15, or Reip. Ger. Præc., tom. IX. p. 220.

[55] That is, one of the Eupatridæ. Niebuhr's History of Rome, vol. II. p. 142, Amer. edit.

[56] There were four Tribes and twelve Fraternities, three in each Tribe. The Greek name of the Tribe is *Φυλή*, that of the Fraternity, *Φρατρία*, and that of the Name or Gens (sometimes called family, sometimes clan), *Γένος*. "As to the real political import," remarks Hermann concerning these divisions, "their object was the preservation of legitimacy and purity of descent among the citizens." Pol. Antiq., § 100.

[57] "The census, *τίμημα*, which we," says Boeckh (Polit. Econ. of the Athen., Book IV. ch. 5), "shall call the *taxable* capital, is not to be confounded with the entire value of any individual property, nor is it at all the same with the taxes themselves." It would act, says Mr. Grote (Hist. Greece, vol. III. p. 157), "like a graduated income-tax, looking at it in reference to the three different classes; but as an equal income-tax, looking at it in reference to the different individuals comprised in one and the same class." "The Greek expression for the payment of taxes (*τελεῖν τὸ τέλος*) does not express the mere payment of a regular sum of money, but includes the fulfilment of all the duties imposed on a certain assessed class; namely, military service, liturgies, and even extraordinary taxes upon property." Hase, Anc. Greeks, p. 241, Eng. trans.

comprising the largest contributors, was alone eligible to the archonship and the priesthood. The second and the third classes were free to obtain the other magistracies; while the fourth division, including such as had not yet been regarded as complete freemen,[58] was admitted to a place in the popular tribunals.[59] It was perhaps at the same time that Trittyes and Naucraries, or bodies of householders, were substituted instead of the former distinctions according to Names and Fraternities.[60]

The substance of the Athenian institutions was much more altered than their forms. The executive power continued to be vested in nine Archons[61] all chosen annually. At the expiration of the year, the Archons continued to become members of the Areopagus, which Solon left as he found it, charged with "the guardianship of the laws."[62] From the Archons, perhaps, therefore, from the Areopagus, an appeal lay "to the tribunal."[63] This denoted the Assembly, in which every Athenian was enrolled at the age of twenty to exercise his rights not only as a judge, but

[58] Dion. Hal., II. 9.

[59] The first class was called the Πεντακοσιομέδιμνοι, their "taxable capital" amounting to 500 measures (700 of our bushels) of produce. The second, the Ἱππεῖς (knights), had a capital of 300 measures or upwards, and were able to support a horse besides. The third, Ζευγῖται (yokemen), had 200 measures or more, and kept a yoke of cattle, or a pair of horses or mules. The fourth, Θῆτες, were partly of the poorest citizens, and partly of those whose capital did not reach 200 measures; neither, however, being taxed. Cf. Plut., Sol., 18.

[60] Each of the four Tribes contained three Trittyes, making twelve in all; each Trittys containing four Naucraries, making forty-eight. See, especially, Wachsmuth, Hist. Ant., § 44, vol. I. pp. 354, 355, Eng. trans.

[61] Of these the first, called Ἐπώνυμος, was what we should call the chief-justice. The second, Βασιλεύς, was the pontiff; the third, Πολέμαρχος, the general-in-chief; and the other six, Θεσμοθέται, were judges.

[62] Ἐπίσκοπον πάντων καὶ φύλακα τῶν νόμων. Plut., Sol., 19.

[63] Εἰς τὸ δικαστήριον. Id., ib., 18.

as a legislator and an elector.[64] The administrative functions, not exercised by the Archons, were vested in a Senate, to which one hundred members, at least thirty years old, were yearly chosen from each of the four Tribes.[65] The judicial powers, not held by the Archons, the Areopagus, or the Assembly, were intrusted to a general court, drafted from amongst the older members of the Assembly, under the name of the Heliæa.[66]

Thus was the republic of Athens constituted. Once united under these institutions, its citizens seemed to be assured of political liberty.

But with all the support which political liberty could give to personal liberty, the latter still appeared to Solon to be insecure. He had yet to train the inferior Athenians to the exercise of powers by which they could support themselves as men while the laws protected them as citizens. First of all ancient legislators, Solon undertook to make his countrymen laborers. Nowhere but in Athens, whose ruling class had been subdivided into orders bearing the names of different industries, would the undertaking have been possible. Even there it was impracticable. "He enacted a law," says the biographer of Solon, "that no son should be

[64] Aristot., Pol., II. 9. 4. Plut., Sol., 18. The privilege enjoyed by the citizens fifty years old or upwards, of speaking first before the Assembly, is characteristic only of Solon's time.

[65] Xenophon (Mem., I. 2. 35) mentions the age; Plutarch (Sol., 19) fills up the description of the Senate, to which he ascribes the initiative in affairs not yet, apparently, submitted to the Assembly. The most important functions of the Senate were discharged by its Prytanes, or presiding committees, each of which, in turn, took possession of the Prytaneum, continuing on duty without interruption for a certain number of days.

[66] See Wachsmuth, Hist. Antiq., § 47.

bound to support a parent who had neglected to teach him a trade. . . . . Moreover, Solon conferred distinction upon the trades. He made it the duty of the Areopagus to examine into the manner by which every man obtained his living, and to chastise every one discovered to be unprovided." [67] Still more extraordinary was the law allowing aliens to become citizens in the event of "their removing to Athens for the purpose of pursuing their trade." [68] With such ordinances above them, the Athenians bade fair to continue free. The inferior would not lack the means to support himself against the superior. Nor would either class be deprived of the spirit to meet the foe. Once more freemen, the Athenians were once more warriors.

But to be warlike or to be free, there was one condition to be observed. Not an Athenian, whether of the highest or of the lowest rank, could dispense with subjection to his state. Every one, arriving at the age of eighteen, was summoned to swear in the temple that he would obey the laws and labor to make Athens more glorious.[69] The oath could be kept only by the most undeviating self-sacrifice. Were it money that the state required, it was given by the rich. Were it service, it was given both by the rich and by the poor. Taxes for the public expenditures were levied without

[67] Plut., Sol., 22. This, according to Herodotus (II. 177), was borrowed from Egypt. It appears that the Athenian law did not remain altogether a dead letter. Plutarch tells us of the astonishment excited in a Spartan visiting Athens by the condemnation of a man for idleness. Lacon. Apophth., tom. VI. p. 827.

[68] Plut., Sol., 24. Cf. Herod., II. 177; and Boeckh, Pol. Econ., Book IV. ch. 7.

[69] Pollux, Onomast., VIII. 105.

stint by those in authority, not only upon their fellow-countrymen, but upon themselves.[70] Submission to the public behests was the rule of the bridegroom and the bride,[71] of the parent and the child,[72] of every sex, of every age. Amongst the most characteristic of Solon's statutes was one condemning the citizen who should attempt neutrality in case of any public sedition.[73] The punishment of direct offences against the state could not be made too severe.[74] On the other hand, the reward of the highest services to the state could not be too simple. The crown of olive bestowed on those who had done their whole duty to Athens, was sufficient to satisfy the largest desires of the largest heart. Like every other state in which the individual was thus subordinate, the Athenian republic had its basis in centralization.

Nor were the marks of centralization to be found amongst the Athenians alone. They were the subjects of the state. But to them were subject large and increasing numbers of aliens and of slaves. "I have given my countrymen," said Solon, "the best laws which they can bear." [75] The idea of legislating for

[70] Hence the various liturgies (*λειτουργίαι*) contributed by the wealthy to the support of the fleets (*τριηραρχίαι*), the embassies (*θεωρίαι*), the choruses (*χορηγίαι*), the festivals (*ἑστιάσεις*), and the gymnasia (*γυμνασιαρχίαι*). The extra property tax (*εἰσφορά*) and the various voluntary contributions (*ἐπιδόσεις*), must be viewed in the same light.

[71] See Solon's laws on marriage, Plut., Sol., 20.

[72] Id., ib., 22, 24. Diog. Laert., I. 55.

[73] Plut., Sol., 20. Cf. Aul. Gell., II. 12.

[74] The debtor to the state was unable to hold any office. If he died a debtor, his son was not only ineligible, but was arrested and imprisoned until the father's debt was discharged. Corn. Nepos, Cimon, 1. So the *ἀτιμία*, by which a citizen lost all his rights. See Hermann, Pol. Ant., § 124.

[75] Plut., Sol., 15.

the classes whom his countrymen ruled, was in utter contradiction to the motives that had led him to legislate at all. The more the subjects were broken, the more they were humbled, the greater would be the authority and the unity of their rulers. Even the ray of hope that seemed to shine in upon the alien who came to Athens as a tradesman, was cut off. "The alien," declared a law of Solon, "must not trade in the market of the citizens."[76] In being allowed to trade anywhere, the alien was better off at Athens than at Sparta. So the slave of the Athenian, far happier than the Helot or the Laconian, found protection not only for his person, but also for his little earnings, against his master. For every slave, as for every alien, at Athens, there was a chance, to say no more, of becoming a citizen.[77] It is more than can be said in relation to the Spartans, of whose bondmen not one in a thousand saw the possibility of liberation before him. Were the bondman liberated, he could never be a Spartan. But though the Athenian ruled more gently than the Spartan, his sway over the alien or the slave was another fearful instance of the working of centralization.

Where the few ruled over the many, there was always an opportunity for one to rule over the few. Solon himself was repeatedly urged to become tyrant of Athens. "These disturbances," insisted his adherents,

[76] This is cited by Demosthenes, Cont. Eubul., 31.

[77] There were three classes of aliens, named Ἰσοτελεῖς, Μέτοικοι, and Ξένοι. The distinction between the last two is that of Inquilini and Peregrini. Taxes on the stranger were assessed by capitation, sometimes, likewise, upon real property. Demosth., Cont. Androt., 61. Xen., De Vectig., 2.

"can be allayed only by the establishment of an absolute power."[78] Such a plea was then, perhaps, comparatively novel. It was disregarded by Solon. He was still alive, still arguing, still acting against the commotions which no laws or efforts could remove, when another made himself master of the state. For nearly fifty years, Pisistratus and his sons retained their power.[79] So signally had Solon failed in making his countrymen either the freemen or the warriors who would have clung to liberty, though it were but a name.

Hardly had the Athenians driven out the surviving son of Pisistratus when they were in danger of falling beneath another, and a much more oppressive dominion. The Spartans, already sovereign in the Peloponnesus, proposed to their tributaries the restoration of the Athenian tyrant, with the understanding that he would rule as their dependant.[80] To this the Peloponnesian states were on the point of yielding a ready assent, when Sosicles, a deputy from Corinth, broke the silence with which the proposition had been received. "The sky," he said, "must surely be below the earth, and the earth be above the sky, — men must have their habitation in the sea, and fishes live where men have lived before, if ye, O Lacedæmonians! are to destroy all equal rights and bring back tyrants into our cities. For there can be nothing more unjust, nothing more blood-guilty amongst men! . . . . We of Corinth were amazed to hear that ye had sent for

[78] Plut., Sol., 13.

[79] A. C. 560 – 510. Id., ib., 30. Herod., i., 59. Diod. Sic., ix. 4. 21.

[80] "Thinking," says the old historian, "that the Attic race, if it were free, would get to be equal in strength with them, but that, if it were kept under by a tyranny, it would be feeble and submissive." Herod., v. 91.

the tyrant. But we are much more amazed to hear what ye now propose. And we implore you, in the name of the gods of Greece, to establish no tyrannies in our cities. Will ye not abstain from such doings? Will ye try to restore this man against all justice? Know, then, that the Corinthians cannot agree with you." These earnest words of Sosicles roused the other deputies to join their remonstrances with his, and, as the historian adds, "the affair thus came to an end."[81] It was a noble resistance for a few brave men to make against the centralization that had grown with the growth and strengthened with the strength of all antiquity.

Saved from foreign domination, the Athenians were not saved from domestic altercation. The legal means[82] provided by Solon for altering the political institutions, were insufficient to still the clamors of the inferior Athenians. A revolution took place, in which Clisthenes, lately the leader of the upper order against the tyrant, appeared as the champion of the lower classes. The Tribes, increased to ten, were subdivided into one hundred and seventy-four new Municipalities. At the same time, the magistracies and tribunals, hitherto confined to the superior, were thrown open to the inferior citizens.[83] Some aliens and slaves are said to

[81] Herod., v. 91 – 94.

[82] In the *Νομοθέται*, "lawgivers." See Schömann, Assemblies, etc., pp. 241, 254, Eng. trans. Plutarch's account (Sol., 25) is to be carefully considered.

[83] The new magistrates were the Demarchs, the officers of the Municipalities. The number of members of the Senate was increased to five hundred; that of Naucraries to fifty. A new court may have been added. Elections were perhaps appointed to be by lot. At all events, the old barriers were completely broken down. See Herod., v. 66, 69. Aristot., Pol., VI. 2. 11. Wachsmuth, Hist. Ant., vol. I. p. 361, Eng. trans. Hermann. Pol. Ant., § 111, 112.

have been admitted into the Tribes.[84] But this was undoubtedly an exception in favor of a few adherents to the triumphant faction. It was considered sufficient for the revolution to raise the Athenians who wished to rise.

The separate states and towns, bearing the name of republics, crowded the narrow limits of Greece. Overrunning their own land, they extended in colonies over other lands. The shores of Europe, Asia, and Africa, were studded with Grecian republics.

The liberty of these various states was one and the same. It might be the liberty of warriors rather than of citizens, as at Sparta. It might be that of citizens rather than of warriors, as at Athens. But it was originally that of warriors, or men of force. It was subsequently that, partly of warriors, partly of citizens, or men of law. Everywhere, it was the liberty of rulers.

Such as it was, the liberty of the Greeks was put to trial. Its rulers, its men of force and its men of law, were assailed by the united forces of the Persian Empire.[85] Proof upon proof of devotion to the state was given by the Grecian citizens. Battle after battle was won by the Grecian warriors. Even the Athenians resumed warfare with so much ardor as to repel the Persian hosts at Marathon.[86] Ten years ensued before the invaders reappeared. Then the Spartans, though they were but three hundred, checked the thousands upon thousands who attacked Thermopylæ. Salamis, Platæa, and Mycale finished the

[84] Aristot., Pol., III. 1. 10.

[85] After the overthrow of the Asiatic Greeks, A. C. 544 – 539. Herod., I. 162 – 177.

[86] A. C. 490. Id., VI. 103 *et seq.*

war.[87] When it was over, Aristides, the Athenian, proposed a solemn league to maintain a common army against the Persians "and barbarians," and to celebrate, every year, but especially every fifth year, in a feast of liberty at Platæa, the memory of their concord and their glory.[88]

Had this been the only confederacy amongst the Greeks, they would have been fortunate. But after defending their liberty not merely as warriors or as citizens, but as rulers, they were naturally bent upon increasing their dominion. "The Athenians," says Thucydides, "having obtained the supremacy with the consent of their confederates, ordained the amount of money and the number of ships which each was to furnish against the foe. It was made a plea that they must revenge their own sufferings by laying waste the Persian territories. Then, too, the Athenians instituted the Stewards of Greece to receive the common contributions, the first collection amounting to four hundred and sixty talents. The treasury was established at Delos, where, in the temple, were held the meetings of the league, in which every ally originally participated upon equal terms."[89] It was the request of the confederates that Aristides should be made their first Steward, with authority to assess the tribute according to the resources of each contributor. Large as his assessments were, they were declared by the Athenian tributaries to be "the good fortune of Greece."

[87] Thermopylæ and Salamis in 480. Platæa and Mycale in 479. Herod., VII. 223 *et seq.*, VIII. 84 *et seq.*, IX. 53 *et seq.*; and Plutarch's Lives of Themistocles and Aristides.

[88] Plut., Aristid., 21.

[89] Thuc., I. 96. The account begins at I. 19.

"But when," continues Plutarch, "affairs demanded a more stringent government, Aristides advised the Athenians to usurp the dominion which their interests required. For he was a man, says one who wrote of him, perfectly just in private matters and in all relations with his fellow citizens, yet at the same time ready to do any thing for the service of his country, however frequently it demanded to be served by evil deeds." [90] Thucydides resumes the history of the domination presently established. The Naxians, against whom the Athenians went to war, "were the first," says the historian, "of the confederate states to be enslaved. . . . The same fate overtook the rest of the allies. For there were various motives on their part to revolt from the discharge of their tributes or of their other obligations. All the while the Athenians ruled severely, adding to the burdens of men neither accustomed nor willing to be so aggrieved." The historian then goes on to describe the manner in which the confederates compounded for their personal services by paying proportionate sums of money to their masters. "What they thus paid," it is remarked, "enabled the Athenians to increase their naval forces, whilst the tributaries remained helpless and unprepared for defence, whenever they dared resistance." [91] The outlines of centralization could not be more distinctly drawn.

Against the increasing lust of dominion on one side, and the decreasing love of liberty on the other, many voices were raised in deprecation.

[90] Plut., Arist., 24, 25. [91] Thuc., I. 98, 99.

Pindar, the Bœotian, would not chant the triumphs of his own generation without recalling the memories of the earlier heroes. Nor were his praises for his contemporaries unmixed with fervent eulogy upon their virtues, as if he thought them superior to all their triumphs.[92] Æschylus, the tragic poet not only of Greece, but of the whole ancient world,[93] was one of the warriors in the great battles of both the Persian invasions. But instead of sharing in the intoxication and the vehemence of his countrymen, he wrote of the higher powers and the remoter glories that they seemed to have forgotten. The shades summoned from the silent dead to be confronted with the men of Marathon and Salamis, came with sepulchral voices and awful forms. Yet they who beheld the images and listened to the thoughts of their poet complained that it was too much for them to bear, and broke away with murmurs.[94] "Only in the night time," he seems to have repeated, "can the dawn arrive, the harbinger of good."[95] But the night continued, and Æschylus, though of an essentially religious spirit,

[92] Pindar was born A. C. 522, as is most probable, and died in 442.

Two of the passages exemplifying his anxious times, are subjoined: —

Ἀλλ' ἐμὲ χρὴ μναμοσύναν
Ἀνεγείροντα φράσαι, κ. τ. λ.

"But for me it is needful to wake our *memories* and tell," etc. Ol., VIII. 97, 98.

Πολλοὶ δὲ διδακταῖς
Ἀνθρώπων ἀρεταῖς κλέος
Ὥρουσαν ἑλέσθαι.
Ἄνευ δὲ θεοῦ, σεσιγαμένον γ' οὐ σκαιότερον χρῆμ' ἕκαστον.

"Many have girded themselves with the imparted virtues of men in order to gain renown. But aught done without the god is as well untold." Ol., IX. 153 *et seq.*

[93] Ἐκεῖνος εἶχε τὸν τραγωδικὸν θρόνον, "He held the tragic throne." Aristoph., Ranæ, 769.

[94] Aristoph., Ran., 1059 *et seq.*

[95] Εὐαγγέλου φανέντος ὀρφναίου πυρός·
Ὦ χαῖρε λαμπτὴρ νυκτὸς ἡμερήσιον
Φῶς πιφαύσκων.

Agamem., ad init.

began to question both the majesty and the eternity of the immortals.[96]

It was a spirit kindred to that of Æschylus which breathed in Herodotus. The renown that was departing pleaded with him, and he became a historian.[97] East and west, the civilized earth contributed its legends and its records to swell his flowing narrative. But still more fervent is its course as it rolls on through the Grecian lands. He could not bear to fear for the glory which his history reflects with vivid exultation. Yet the fear may be traced in every line that tells of what had passed away.

Athens was now at the head of Greece. Few of the citizens who shared in its resources or in its dominions could think of danger. The city was risen from the ruins in which it had been laid low by the Persians. Its streets resounded with the hum of a busy and a joyous population. Its assemblies were thronged by members paid for their attendance in money as well as in the gratification derived from the exercise of augmented prerogatives.[98] To the Athenian democrat there was no other duty or pleasure, no other entertainment or honor to be compared with such as related to or sprang from the state. Now the state, supposing it to have had a voice, was at this time saying to all its citizens: "Ye serve me.

[96] See the Prometheus, 938 *et seq.* Æschylus was born at Eleusis, A. C. 525, and died in Sicily, 456.

[97] Herodotus wrote his history according to Pliny (Nat. Hist., XII. 8), at Thurii in Italy, some time about A. C. 400.

[98] Plut., Cim., 15. Cicero tells the whole:—"Athenienses quibusdam temporibus, sublato Areopago, nihil nisi populi scitis ac decretis agebant." De Rep., I. 27. The question, however, is usually made very complicated. As for the power and character of the Assembly at or after this time, see Schömann's work on the subject, especially Book I. ch. 1. 4; Book II. ch. 3. 4.

But it is on those who are your subjects and therefore mine, that the perils of warfare, the labors of peace devolve. To you are given the luxuries and glories of rulers. Make much of them for your own sake, still more for mine." Such seemed to be the determination of the Athenians. With most of them it became a matter of far less concern whether the tribute was duly received from the ally, or the Assembly was rightly managed by the magistrate, than whether the Alcestis of the stage succeeded, or the Parthenon of the Acropolis rose in befitting proportions. Nor was it altogether strange that the beauty of art and of intellectual cultivation should crowd out the beauty of labor and of liberty. Phidias and Sophocles were both in their prime.

Strange or natural, this was the spirit of the Athenians, when they submitted to Pericles. Serving their tastes and professing to serve the state which they still venerated, he held the supreme authority for nearly twenty years. Whatever he did or whatever he left undone, Pericles upheld the system that alone rendered his preëminence secure. It weighed upon the allied states whose treasury and tribunal were transferred to Athens. It weighed upon the very citizens. Five thousand beheld themselves disfranchised by a law directed against all not descended from Athenian parents on both sides. There then remained a state, represented by a single ruler, but nominally consisting of fourteen thousand and forty citizens, with a hundred times as many tributaries and bondmen.[99] Of

[99] Plut., Per., 37.

the prevailing centralization there could be no greater development than that in the Athenian republic.

Years had passed since the Athenians appeared as warriors. But the development of their political and personal relations under the sway of Pericles was attended with the clash of arms. For nearly thirty years [100] the Peloponnesian war, as it was called, continued between Athens and Sparta. All the tributaries of either nation were mustered for the strife. Nor were the combatants satisfied until they had obtained the aid of foreign powers, the Athenians being supported by Thrace and Macedonia, while the Spartans relied upon the subsidies of Persia. All that could be, was sacrificed to keep the laboring states from wreck; the inmost principles of both being loosened, so that the lower classes might be transformed to warriors.[101] The hope of distant dominions appeared to take the place of those then failing. Sparta sent to the northern coasts of the Ægean, and Athens equipped an expedition against the Greeks of Sicily.[102] Of this momentous war Thucydides is the historian. The terrors of those years return with the nervous words issuing from his lips compressed with undisguised lamentation.

Athens at last succumbed. For her and her citizens, Thirty Tyrants, as they are called, were appointed by the triumphant foe.[103] The day of downfall with the Athenians was regarded by their tribu-

[100] A. C. 431–404.

[101] Diod. Sic., XIII. 97. Thuc., V. 34.

[102] The extraordinary designs of Alcibiades upon Carthage, Libya, and Italy, are particularly noteworthy. Plut., Alcib., 17; Corn. Nep., Alcib., 1; Thuc., VI. 15.

[103] Plut., Lysan., 15. Xen., Hell., II. 2. 3 *et seq.*

taries as the day of liberation. It was in reality the day of submission for the tributaries, as for the Athenians; and for the rest of the Greeks, as for the tributaries. The Spartans, the most warlike of the Grecian warriors, were the only freemen, the only rulers of all the Grecian republics.[104]

[104] Πάσης τῆς Ἑλλάδος προστάται. Xen., Hell., III. 1. 3.

"Thus," says Niebuhr, in the addenda to the English translation of his Lectures on Ancient History, "the result of the war was universal slavery in Greece." Lect. LVII. ad fin.

CHAPTER VII.

A SPARTAN MARTYR.

"Though schism and combustion be the very issue of your bodies, your first born."

MILTON, *Reason of Church Gov't.*, c. VI.

IT was plain that Sparta held the supremacy in Greece. But it was not so plain to whom the supremacy in Sparta belonged. The Helot and the Laconian were no longer the only bondmen. A large number of the Spartans themselves bore the name of Inferiors.[1] It could no longer be said that the Spartans, as a body, ruled. Only a portion, entitled Peers,[2] could be considered as the rulers or the freemen of the republic.

Amongst the inferior class, during the period immediately following the Peloponnesian war, was Cinadon. The prime of his manhood was gilded at once by the admiration of his own order and by the approval of his superiors. But neither the offices with which he was invested by the magistrates nor the applauses with which he was followed by his comrades, contented Cinadon. Sensitive to the dependence in which he was placed, he thought of nothing

[1] Ὑπομείονες. [2] Ὅμοιοι.

so much as how, to use his own words, "he might cease to be an Inferior."

He saw no means of rising but by conspiracy. Taking aside a friend whom he one day encountered in the forum, Cinadon bade him count the Spartans as many as were to be seen. One of the kings was there with most of the Ephors and Senators. Yet the friend could number no more than forty Spartans in all. "But why," he asked, "didst thou ask me to count them?" "Reckon them," answered Cinadon, "as foes; but all the others, and there are more than four thousand in the forum, as confederates. Look into the streets, and I will show thee one enemy here, and another there; the rest will be on our side. Go out upon the estates of the Spartans; and for every opponent that thou shalt find amongst the masters, there shall be many adherents amongst the bondmen." "It is true," replied he whom Cinadon addressed, "all are ready to bear their part: Helots and freedmen,[3] Laconians and our own Inferiors. For of these, there is not one but speaks of the Spartans as though he would devour them raw." "Remain at home!" said Cinadon at parting. The direction implied that a conspiracy would soon break out against the Spartan rulers.

But there were few of the same nerve with Cinadon. The very friend to whom he unveiled his purposes communicated them to the Ephors. Already had a soothsayer announced to one of the reigning kings that "the gods gave warning of a most fearful con-

[3] A conjectural translation of *Νεοδαμώδεις*.

spiracy." To the tidings now received the magistrates listened in terror. Not daring to convene the Assembly or the Senate of the Spartans, the Ephors took counsel with a few of the Senators. Nor did they then venture to arrest the conspirators. Appointing Cinadon, as they had frequently done, on a mission of responsibility to Messenia, the rulers ordered him to be arrested there by his companions of the embassy. "So anxious," remarks the historian, "were the Ephors in relation to the affair, that they sent a troop of horse to the assistance of their agents in the arrest."

Cinadon was obliged to disclose the names of his accomplices. Finding that they were but few in number, though eminent in character, the magistrates ordered them to be publicly seized. Cinadon was at the same time brought back to Sparta. There, after having been driven through the streets with scourges, he and his associates were executed.[4] He died a martyr to the Spartan centralization.

Such being its severity towards the Spartans themselves, its oppressiveness towards their tributaries may be conceived. The Athenians, urged by the heroism of Thrasybulus, succeeded in extricating themselves from their unwonted bonds.[5] But the waves that swept from Sparta continued to break upon Athens. They continued to submerge the greater part of Greece. No one could have appeared more potent to direct the surges of the vasty deep than Agesilaus, the king

[4] The narrative is taken entirely from Xenophon, Hell. III., 3. 4 *et seq.* Aristotle (Pol., v. 6. 2) mentions Cinadon, but casually.

[5] A. C. 403. Xen. Hell., II. 4. 2 *et seq.*

who for nearly forty years ruled, combated, and oppressed in the service of Sparta.

Yet neither Agesilaus nor the whole host of Spartans could resist the swift approaches of decline. A new power arose with the republic of Thebes, whose armies, led by Pelopidas and Epaminondas, repeatedly invaded the Peloponnesus. Before them Sparta sank, never to recover its previous dominion.[6]

[6] The battle of Leuctra was fought in 371, that of Mantinea in 362. Plut., Pelop., 5 *et seq.* Diod. Sic., xv. 78. Agesilaus ceased to reign in 361. Diod. Sic., xv. 93. Plut., Ages., 40.

CHAPTER VIII.

THE SCHOOL OF ATHENS.

"The idea that the godlike was here on earth to maintain its contest, that it is thrust backward, and yet advances again victoriously through all ages.'

ANDERSEN, *Story of My Life*.

RELIGION, like liberty in Greece, was primarily that of warriors. Mars wielded his sword at the head of the Spartan deities. When the warriors became, or resembled, citizens, their religion underwent corresponding modifications. Minerva reigned in wisdom at Athens.[1]

In neither case was the faith of the Greeks the creation of their priests. Indeed, there were no priests, properly speaking, to attempt the establishment of a revelation or of a religion. The citizen or the warrior donned a sacerdotal robe for the public festival or the private ceremony. But he threw it off when the ceremony or the festival was over. Had he retained it, he could not have imposed his deity or his doctrine upon the warriors or the citizens by whom he was surrounded. If they wanted a seer to assist them in shaping their creed, they preferred the poet like Homer or the artist like Phidias to any priest, to any priesthood.

[1] Ἓν ἀνδρῶν, ἓν θεῶν γένος. Pind., Nem., VI. So Hesiod., Works and Days, 108 *et seq.*

In the absence of laws which could be called religious, those which were political constituted the standard of the Greek. To this all things were referred. Actions, esteemed the most illustrious, arose from reverence not for moral, but for political obligations. Solon, for instance, did not undertake his legislation as a service to the gods. Athens stood in need of measures by which her citizens could be disciplined and inspirited; and to their needs because they were hers, the legislator applied himself. On the other hand, the deeds branded as the most criminal, were those involving the neglect not of moral, but of political responsibilities. When such as Themistocles of Athens, or Pausanias of Sparta, both belonging to the generation of the Persian war, failed in allegiance to their national institutions, they were guilty of the greatest offences that could be laid to human charge. The laws of the state were the rules by which the Greeks considered themselves bound to live. The laws of their religion, if they regarded it as having any, formed but a portion of the laws belonging to the state. Thucydides reaches the climax of his narrative concerning a fearful plague at Athens by declaring that not only the fear of the gods but the law of men was powerless.[2]

The wiser men, to speak of no others, were far from being satisfied by the standard thus established. It did not occur to them to renounce it. Indeed, the renunciation, even if it had been possible, would have led to utter lawlessness. But it did occur to many of the Greeks that the standard could be elevated.

[2] Θεῶν δὲ φόβος ἢ ἀνθρώπων νόμος οὐδεὶς ἀπεῖργε. II. 53.

Full of this hope, some men addressed themselves to intellectual means of raising the laws. "The name of wisdom," says the biographer of Solon, was long confined "to its relations with political affairs. . . . . Like most of the sages then flourishing," said Plutarch, "Solon preferred the political branch of ethical philosophy."[3] Under the term of philosophy were then included almost all the attainments to which the aspiring mind could arrive. It was therefore natural to believe that the infusion of philosophy would sufficiently quicken the sluggish currents of the national laws.

Others resorted to spiritual means of elevating the laws. With such, it was the object not so much to change the statutes themselves as to supply their deficiencies. Listen, for example, to the tragic poets of Athens. Æschylus says that "he who denied the care of the gods for men was no true man."[4] Sophocles appeals immediately to the deity whom he believed to be "the lord of all."[5] Euripides, lamenting "the bondage and weakness of men," rejoices that "the gods are strong and that their law abides."[6] The forms peopling the heaven of the Greek did not immediately dissuade him from his devotions. What he could not ascribe to his deities singly, he ascribed to them collectively.[7]

[3] Plut., Sol., 3.

[4] Οὐκ ἔφα τις
Θεοὺς βροτῶν ἀξιοῦσθαι μέλειν
. . . . . ὁ δ' οὐκ εὐσεβής.
Agam., 369 – 372.

[5] Ἀλλ' ὦ κρατύνων, εἴπερ ὄρθ' ἀκούεις
Ζεῦ, πάντ' ἀνάσσων, μὴ λάθοι σὲ τάν τε σὰν ἀθάνατον αἰὲν ἀρχάν.
Œd. Rex, 903 – 905.

[6] Ἡμεῖς μὲν οὖν δοῦλοί τε κἀσθενεῖς ἴσως·
Ἀλλ' οἱ θεοὶ σθένουσι χὠ κείνων κρατῶν
Νόμος.
Hecub., 798 – 800.

[7] "Si les dieux, pris individuellement, sont peints quelquefois sous des traits immoraux et revoltants, les dieux pris en masse forment tou-

As a body, the immortals were believed to exercise an irresistible control over mortal destinies. To believe this was to believe in a power with which, as the superior, the standard of human actions was to be brought into conformity. The belief could not be entertained without the attempt to carry it out by introducing what may be called spiritual elements into the political codes.

Whether or not the codes allowed these spiritual and intellectual modifications, is quite another question. The Greeks were free to be warriors, citizens, and rulers. But it cannot be said that they were free to be sages or moralists. They lacked the powers which would give them the right to this liberty. They lacked the laws which would give them its possession. All the laws that they had concurred in enjoining submission to the morality and the wisdom already attained. According to their statutes, education consisted in the physical exercises of the gymnasium and in the intellectual pursuits of the public schools. But the range of the schools extended little beyond the geography and the history of the state, except to admit a few rhetorical and poetical accomplishments generally deemed essential to the perfection of the citizen. The attempts to sanctify or to rectify the laws were likely to be regarded as offences against them.[8]

jours un corps imposant et respectable." B. Constant, de la Religion, Liv. VII. ch. 10.

[8] Οὐκ ἔστι θνητῶν ὅστις ἔστ' ἐλεύθερος . . . . ἥ πλῆθος αὐτὸν πόλεος ἢ νόμων γραφαὶ ἐίργουσι χρῆσθαι μὴ κατὰ γνώμην τρόποις.

"There is no mortal free . . . . . whom either the people or the laws of the state do not prevent from using his powers as he wills." Eurip., Hec., 864–867.

So it proved with Anaxagoras. He came from Clazomenæ to Athens in his youth, before the close of the Persian war. Won from his early home, he became a resident of the city which he visited as a pilgrim. Under the shade of the olive, sacred to Minerva the Industrious,[9] and near the shrines of Mercy and Modesty,[10] the young philosopher grew in years and in aspirations. On one side, he saw the multitude deep in ignorance, even where they were not sunk in subjection. On the other, he beheld the citizens who had driven back the Persians and restored their city to its former splendor. Reasoning, perhaps, from the works of men around him, Anaxagoras denied the divinity hitherto ascribed to the works of nature.[11] But to deny this was not so venturous as to affirm that the power governing the world was neither that of mortals nor that of the immortals generally worshipped. A higher law than any proceeding from human wisdom had formed the universe which it still controlled. It was that of a Divine Intelligence.[12] Anaxagoras was straightway arraigned before the authorities of Athens, where Pericles then reigned. The eulogists of the ruler represent him as having been the disciple and the preserver of the philosopher. Rather does it appear that Pericles, if not personally

[9] Ἐργάνη. Paus., I. 24. "That which was specially received and worshipped, as the protecting deity of Athens, was," says Lord Nugent, "perhaps the most splendid of all the pagan conceptions." Lands Classical and Sacred, ch. I.

[10] Αἰδώς and Ἔλεος. Pausan., I. 17.

[11] Diog. Laert., II. 8. Aristot., Metaph., I. 3.

[12] Πάντα χρήματα ἦν ὁμοῦ, εἶτα Νοῦς ἐλθὼν αὐτὰ διεκοσμήσε, "All things were in confusion when Intelligence came to dispose them." Diog. Laert., II. 6. See the opinion concerning Anaxagoras attributed to Socrates in the Phædo.

averse to Anaxagoras, opposed him in consequence of the danger to which the much loved Aspasia was exposing herself in favoring the philosopher. In the eyes of the Athenians the doctrine of Anaxagoras was equivalent to treason against the state as well as to impiety towards the gods. He was therefore banished.[13] A law, bearing the name of Diopithes, forbade the Athenian statutes to be disturbed, under pain, not merely of exile, but of death.[14]

It remained to be proved whether the fear of death or the hope of truth would triumph. Archelaus, the pupil of the banished Anaxagoras, had nothing to profess in "philosophizing about the law,"[15] but that "right and wrong were wholly dependent upon it."[16] As if to nerve himself to stand on such a ground, Protagoras the sophist, then residing at Athens, doubted the existence of the gods. But to reject them was to reject the laws; and the philosopher was condemned if not sent into exile.[17] To assert the reality of a power superior to the laws in determining the right and the wrong, was the office of wiser men than Archelaus or Protagoras.

Socrates was of a native, but not a wealthy family at Athens. A citizen and a warrior, he was distinguished at once for his prowess on the field and for his magnanimity in exercising the political powers with which every Athenian was invested.[18] Other-

[13] A. C. 450. Plut., Per., 32; Nic., 23. Diog. Laert., II. 12 *et seq.*

[14] Plut., Per., 32.

[15] Diog. Laert., II. 16.

[16] Καὶ τὸ δίκαιον εἶναι καὶ τὸ αἰσχρὸν οὐ φύσει, ἀλλὰ νόμῳ. Ap. Diog. Laert., II. 16.

[17] A. C. 411. Diog. Laert., IX. 51, 52, 54.

[18] Plato, Apol. Socrat. Xen., Mem., I. 1. 18. IV. 4. 2.

wise he did not promise to be eminent amongst his fellow-citizens or his fellow-warriors.

Not even in becoming a philosopher did he seem to attempt a higher walk than that of his countrymen in general. His censure of the habits prevailing in private and in public life was met by charges of the impurest indulgences on his own part.[19] His appeal in favor of a truer life according to a truer standard, appeared to be answered by his own declaration of dependence upon the laws. "Can I deny," he is said to have exclaimed, "can I deny that I am their offspring and their servant?[20] . . . . Am I ignorant that the gods and all wise men esteem one's country to be more precious, more venerable, and more hallowed than one's parents?[21] That we must uncomplainingly suffer whatever it orders us to suffer without attempting to desert the post in which we have been stationed?"[22] This he could say, not when he hoped for reward, but when he lay condemned in prison. "I have dwelt in Athens," pursued Socrates, "more uninterruptedly than any other Athenian. For to me, more than to any other, has it been a delightful city. . . . . I have not passed its walls unless to go on a campaign. I have made no voyages as most men do. I have had no curiosity to visit foreign cities or to dwell beneath foreign laws. The institutions of Athens have sufficed for me."[23]

Nor did Socrates make any exception against the

[19] Cicero, De Fato, 5.

[20] Καὶ ἔκγονος καὶ δοῦλος. Plat., Crito, 12, ed. Stallbaum.

[21] Τιμιώτερον καὶ σεμνότερον καὶ ἁγίωτερον. Id., ib.

[22] Plat., Crit., 12.

[23] Id., ib., 14.

religious ordinances of his country. No one more than he considered them to be but parts of the political statutes which he recognized as supreme. "He thought, however," says Xenophon, "that the gods watch over us in a different manner from what most men suppose. The common idea is, that the gods know some things, but that they do not know other things. Socrates, on the contrary, believed that they know all things, words and deeds and silent purposes, — that they are present everywhere, — and that they make known their will concerning all human affairs. . . . . Such things he said and did in relation to the immortals, as none but one who was, and who was thought to be, most pious, could say and do." [24] In his last hour, and with the cup of hemlock in his hands, Socrates asked if he might make a libation from the fatal draught. "We prepare only enough," replied he who had brought in the cup, "for a single object." "I understand," rejoined Socrates. "At any rate," he added, "it is both lawful and right to make my prayer to the gods that they may bless my departure. I entreat them to hear and to grant their blessing to me!" The poison had nearly done its work, when the dying philosopher spoke for the last time to one of his weeping friends. "We owe," he said, "a cock to Æsculapius. Do not forget to pay the debt in my behalf." [25]

In all this, there seems to be a mystery. A philosopher, avowing his submission to the Athenian laws, at the end as during the progress of his life, is con-

[24] Xen., Mem., I. 1. 19, 20.

[25] Plat., Phœd., ad fin.

demned for having transgressed them. If his condemnation was legal, it would appear that his avowals must have been insincere. Yet they were not. No man in Athens, citizen or subject, desired more earnestly than Socrates to evince his homage to her institutions. The trouble was, that he could not do this without exalting the laws to a higher position than that which they had previously occupied. According to his interpretation, every statute assumed a larger significance. But to let it appear that he considered it necessary to magnify the laws before submitting to them, was the same in most eyes as to refuse to submit to them at all. It was not homage that Socrates was thought to offer, but correction. That he should have been arraigned, condemned, and executed for treason, ceases to appear mysterious. The charges resulting in his execution declared that he had corrupted the Athenian youth, and blasphemed the Athenian deities.[26]

Our object is not to enter into a discussion of his intellectual merits. What he was as a philosopher, strictly speaking, does not come within the scope of our researches. We are rather to inquire what he was as the reformer of the standard according to which he and his fellow-countrymen were shaping their lives.

In this respect, the first great characteristic of Socrates was his humility. After he had undertaken the office of a teacher, he was still too humble to open schools or to collect disciples, like other learned men of the times. In the execution of his designs, he disclaimed the possession of peculiar

[26] A. C. 399. He was seventy years old. Xen., Mem., I. 1. 1. Plat., Apol., ad init.

wisdom, confessing, on the contrary, that if he had any claim to wisdom, it was because he was profoundly conscious of his weakness.[27] The faults which he was accused of finding in the national institutions, were always laid by him at the door of the worshipper or of the citizen. Could the individual, he reasoned, interpret and fulfil the laws as they required to be interpreted and fulfilled, there would be no such thing as degradation or oppression amongst men. "What is just and what is lawful," he averred, "are one and the same. . . . . Ye know the laws of the state, and that he who obeys them is the just man. . . . He who knows what is lawful before the gods," insisted Socrates, "deserves to be called the pious man. He who knows what is lawful before men, deserves to be called just."[28] Hence the earnestness with which he pleaded for the confession of ignorance and the aspiration after knowledge. "This is the only good thing,"[29] he declared. "It is the foundation," he repeated, "of every virtue."[30] But he admitted "the impossibility of learning all things." "Knowledge," he said, "is nothing more than that in which we really can be wise."[31] It was through this humility that men were to attain to an understanding of their imperfections. They were still below their own standard, according to the philosopher. When they had raised themselves, they would find that raised with them.

[27] See the account, in the Apology, of his exertions to find a man wiser than himself.

[28] Xen., Mem., IV. 4. 12, 13; 6. 7.

[29] Ἔλεγε δὲ καὶ ἓν μόνον ἀγαθὸν εἶναι, τὴν ἐπιστήμην. Diog. Laert., II. 31.

[30] Καὶ τὴν δικαιοσύνην καὶ τὴν ἄλλην πᾶσαν ἀρετὴν σοφίαν εἶναι. Xen., Mem., III. 9. 5.

[31] Ἄλλο δέ τι σοφίαν οἴει εἶναι ἢ ᾧ σοφοί εἰσιν. Xen., Mem., IV. 6. 7.

Why this doctrine should have been taken as implying the deficiency of the standard itself, need not be again explained.

The liberality of Socrates was his second great characteristic. Other men had taught for the love of gold or of authority. With such aims, they had confined their instructions to a chosen band, on whom the injunction of secrecy was impressed more solemnly than the injunctions of attentiveness or of exertion. It was very different with this man. He taught in the thoroughfares, and in the courts of the city. He talked with cobblers, artisans, and smiths,[32] as freely as with the most luxurious citizens or the most imposing magistrates. If he met a person whose appearance interested him, he stopped to question the stranger, or perchance to invite him home.[33] On the other hand, none who sought Socrates as a teacher, or as a philosopher, were refused an audience. "They who wished to hear him," says one of his disciples, "could do so."[34] "And I am sure," said Socrates himself, on leaving the tribunal at which he had been sentenced to die, "that not only the future, but the past, will bear witness to me how I have injured none, or even rendered any worse, but rather how I have benefited my hearers by freely imparting to them whatever good I knew."[35] He toiled for no selfish ends. The object of his life, as he himself remarked, was to render the largest possible number worthy of citizenship and of authority in Athens.[36] In carrying out such an object, he was intro-

[32] Xen., Mem., I. 2. 37.

[33] As he did Xenophon. Diog. Laert., II. 48.

[34] Τοῖς βουλομένοις ἐξῆν ἀκούειν. Xen., Mem., I. 1. 10.

[35] Xen., Apol. Socrat., 26.

[36] Ὡς πλείστους ἱκανοὺς εἶναι πράττειν αὐτά. Xen., Mem., I. 6. 15.

ducing altogether a new tendency into both the private and the public system of his countrymen. It was not strange that they should have abjured so unwonted a liberality for themselves and for their unbending laws.

A question rises as to the advantage of the liberality which Socrates both inculcated and observed. Not at first sight is it seen how an Athenian philosopher, four centuries before Christ, could teach any thing to be generally disseminated or generally understood. The simplicity peculiar to the teachings of Socrates, removes our doubts. It was his third great characteristic. The habit of most philosophers had been to spend their time in disquisitions upon the so-called principles of creation or of existence. Realities, so to speak, had been set aside as unworthy of consideration from minds attuned to mysteries. Socrates fell into no errors of this kind. He taught the simplest truths with much greater zeal than he could have shown in discoursing of the loftiest speculations. A spirit, of which he spoke as holding daily communion with him, was the only form of mysticism apparent in his doctrines. Nor did that appear except to teach him lessons of daily duty, or to support him in the ordinary trials of mortality.[37] His method of imparting knowledge was original, chiefly on account of its unpretending practicability. "Two things there are," wrote one of his successors, "to be attributed to Socrates. One is the use of inductive reasoning, and the other is the employment of definitions. Both lie at the foundation of knowledge."[38] The simplicity of the teacher was consistent

[37] Cic., De Div., I. 54. Plat., Apol., ad fin. Xen., Mem., I. 1. 4.

[38] Aristot., Metaph., XIII. 4.

with the purposes of his life. The mingled distrust and contumely with which it was regarded, were equally consistent with the dispositions of his adversaries. He could have proposed no greater correction in their standard, than to make it at once more simple and more accurate.

Such was the humble, the liberal, and the simple philosopher who opened the school of Athens. It was filled by disciples of very different natures. Some were men who sought authority, like Critias, one of the Thirty Tyrants. Others, like the laborers and the bondmen with whom Socrates conversed, were intent upon raising themselves from degradation. But of the lower or of the higher class there were few to appreciate the doctrine or the example of their master. The only one who seems to have shared the confidence of Socrates, was the last who could profit by it. He was Alcibiades, the artful, the selfish, and the proud. The character of the confidant suggests the character of the disciples from whom he was selected. They were men to desire a lower rather than a higher standard of life.

Nor was Socrates more fortunate in those who came after him.[39] To divert his teachings into contrary channels seemed to be object of his successor, Plato.[40] Instead of being simple, he by turns descended into the secrets of the earth, by turns ascended towards the obscurities of the heavens. Instead of being liberal,

[39] "We find but one Socrates amongst them" — the Athenians. Locke, Reasonableness of Christianity, Works, vol. VII. p. 136. Τῶν Ἑλλήνων ὁ σοφοτάτος Σωκράτης, "The wisest of the Greeks." Eusebius, Præp. Evang., lib. XV. c. 62.

[40] Plato was born about A. C. 429. He returned to Athens some years after the death of Socrates, and died there in 347.

he declared it unfit even to speak of the deity before common men.[41] Instead of being humble, he acknowledged no bounds to the capacities of the so-called wise. Where other ways to knowledge ceased, he took to visions.[42]

Yet, though looking in an opposite direction, Plato professed to behold the same end towards which Socrates had striven. The laws were recognized as the means of improvement within the reach of those whom they declared to be citizens.[43] But to prove this means more efficacious than it was, Plato constructed an ideal commonwealth with ideal laws. Whether his standard was adapted or not to the higher instincts of humanity, may be judged by the single fact, that no state in existence required so complete submission on the part of the individual, as the state portrayed by Plato.[44] In none were the woman, the stranger, and the slave, more completely degraded.[45]

Aristotle[46] was the disciple of Plato. It was but natural, therefore, for him to follow different courses from those of Socrates. There were teachers less simple than Aristotle. There were none less liberal. "The multitude," he affirmed, "cannot be persuaded to be virtuous."[47] His very pupils were divided into two

[41] Plat., Timæus, p. 114, ed. Stallbaum. Cf. Lactant., De Ira, 11.

[42] "Somniaverat . . . . non cognoverat." Lactant., Div. Inst., v. 14.

[43] *Ὅπως ὅτι βέλτιστοι οἱ πολῖται ὦμεν.* Gorgias.

[44] See the Laws, Lib. VI. ad fin., or the Republic, Lib. IX. ad fin.

[45] See the Laws, loc. cit., or the Republic, passim.

[46] Born at Stagira, A. C. 384. He studied and taught at Athens from 367 until 347, and from 335 to 323 or 322. He died in 322.

[47] Eth. Nic., X. 10, ed. Bekker. *Τοὺς δὲ πολλοὺς ἀδυνατεῖν πρὸς καλοκἀγαθίαν προτρέψασθαι.*

classes, only one of which received a full meed of instruction.[48] No one could have been less humble. "He needs a curb," was the confession even of Plato.[49] The world of speculation was not too high, nor that of observation too wide, to daunt Aristotle. He studied every thing and taught every thing. At one hour, it was an exercise in logic; at another, he would lose himself in the windings of the ancient ethics. Nowise intimidated by the uncertainties around him, or by those within him, he prophesied the rapidly advancing perfection of philosophy.[50]

Yet, in touching the laws, the philosophy of Aristotle could wake no clearer sounds than they gave by themselves. It repeated the sentence which generation after generation had passed upon the enfeebled and the enslaved.[51] The free and the powerful were proportionally exalted. "The wise man," allowed Aristotle, "judgeth all things well. . . . . What is true in every object maketh itself visible to him, inasmuch as he himself is the rule and the measure of the objects that pass before him. Virtue and vice, therefore, depend upon ourselves."[52] But the next moment he would stoop to the laws as "the rules not only of the moment, but of the entire life."[53]

The dependence of the school upon the state had been assured by the execution of Socrates. It was un-

[48] Aul. Gell., xx. 5.

[49] Diog. Laert. iv. 6.

[50] Ap. Cic., Tusc. Quæst., iii. 28.

[51] Pol., i. 2.

[52] Καὶ ἐν ἑκάστοις τἀληθὲς αὐτῷ φαίνεται· ὥσπερ κανὼν καὶ μέτρον αὐτῶν . . . . . Ἐφ' ἡμῖν δὲ καὶ ἡ ἀρετὴ ὁμοίως δὲ καὶ ἡ κακία. Eth. Nic., iii. 6. 7.

[53] Οὐ γὰρ τοῦ παρόντος συμφέροντος ἡ πολιτικὴ ἐφίεται ἀλλ' εἰς ἅπαντα τὸν βίον. Eth. Nic., viii. 11. See Pol., viii. 2.

disturbed by the attempt at independence on the part of his successors. Plato was once reminded that some of the hemlock in his master's cup was left for him.[54] But the intimation seems to have been superfluous. The philosopher had no idea of braving the laws. When he went from Athens, it was not in search of freedom. The promises of the court of Syracuse drew him away to a situation of still greater dependence than that which he left at home. Aristotle prided himself upon being the tutor of the conqueror Alexander far more than upon being the teacher of the conquered Athenians. So much of a courtier had he proved, that when Alexander died the resentment of the Athenians obliged the aged philosopher to fly for his life.[55] A law soon followed, forbidding any one to assume the charge of a school without the consent of the public authorities.[56] Neither the garden where Epicurus [57] reposed, nor the Stoa where Zeno [58] argued, heard so much as an appeal against the oppression of philosophy. It had become its own oppressor.

We have been looking back upon the successors of Socrates from the same point of view as that from which we looked back upon him. To estimate their powers, or to delineate their systems, as those of philosophers, would require much more extended outlines than these. We have had to sketch merely such doctrines of the school as acted, or as were likely to act, upon the laws of the state.

[54] Diog. Laert., III. 24.

[55] Id., v. 5, 10.

[56] A. C. 306. The law was soon repealed. Diog. Laert., v. 38.

[57] Born in Samos (A. C. 342); died in Athens (270).

[58] Born in Cyprus (about 280); died in Athens (about 190). On the doctrines of Zeno and Epicurus, see the abstract in Tennemann, Hist. Phil., § 151–165.

The laws of the state remained the standard of thought and of action. It was the triumph of centralization. Had the school been able to amend these laws, or to have displaced them by laws of its own, centralization would have been not the less triumphant. The standard, however amended or transformed, would have been that of men uniting, with the exception of Socrates, in proclaiming the impossibility of elevating mankind at large.[59]

[59] "Cette pensée," says Aimé Martin, "etait l'arrêt de mort de tous les peuples de l'antiquité." Educ. des Mères, p. 365.

CHAPTER IX.

ALEXANDER OF MACEDON.

Il dit: debout! Soudain chaque siècle se lève,
Ceux-ci portant le sceptre et ceux-là ceints du glaive,
Satrapes, pharaons, mages, peuple glacé.
Immobiles, poudreux, muets, sa voix les compte;
Tous semblent, adorant son front qui les surmonte,
Faire à ce roi des temps une cour du passé.

VICTOR HUGO.

HOWEVER divided amongst themselves, the Greeks were never isolated from other nations. From the time of their heroes to that of their philosophers, one attraction after another led them to foreign lands. It might be the thirst of the philosopher for knowledge. It might be the lust of the hero or of the entire state for conquest. Some went forth in bands. Others went alone. Some set out upon adventures in search of gain. Others set out upon expeditions in search of settlements. In all cases, new relations arose between the foreign and the Grecian races.

The Greeks always assumed the superiority. They were the chosen people. The strangers were but barbarians. They were increasing. The others were diminishing. Theirs, consequently, was the earth with all its nations.

What they thus assumed they frequently seemed to prove. If they founded a colony, it throve. If

they engaged in commerce, it redounded to their advantage. Their warriors prevailed by arms, their sages by researches, over those of foreign realms. Such a series of successes, seldom interrupted, tended to make the races amongst whom the successes were achieved, sensible on their part to a greater or less degree of inferiority. The inferiority deepened in many instances to dependence. Some nations relied on Greece for teachers to occupy the school. Others took Greeks in pay as mercenaries. Some hired Greeks as sailors or as artisans. Men of business, of war, of learning, who found no room for themselves in Greece had but to cross the seas to be employed and honored. So many of Grecian origin were enlisted in the armies of the surrounding states as to be virtually the masters of those whom they nominally served.[1]

At the period at which our narrative is resumed, the Persian Empire had absorbed most of the states with which the Greeks had been connected. Towards none, however, of the neighboring or distant nations had the Greeks looked with so reasonable a sense of superiority as towards the Persians. To have foiled the utmost possible exertions both of Darius and of Xerxes was an achievement unparalleled not only in the eyes of those who did it, but of all who saw it done.

[1] Hence it came about "that the great empires of the East, which had so long employed Greek mercenaries, were now wholly unable to throw off a yoke which had been riveted more by their own consent during the last two centuries than by Alexander's brilliant victories during a short reign of twelve years." Sharpe, Hist. Egypt, ch. 4, p. 124.

Yet it was upon the power thus repelled by them that the Greeks were willing to lean. To decide the yearly increasing dissensions amongst themselves, without appealing to intervention from abroad, was no longer possible; and the appeal was made to Persia. Sometimes, it was the individual, like Themistocles, entreating protection,[2] or, like Pausanias, negotiating for subsidies[3] against his countrymen. More frequently it was the state, humbling itself before the Persian king in order to exalt itself above its sister states. Sparta threw itself upon the aid of the second Darius in the Peloponnesian war.[4] Armed for a time against the second Artaxerxes, the Spartans were fain to detach him from their Grecian adversaries by submitting to his conditions of peace.[5] In the strife eventually costing Sparta its supremacy in Greece, the Thebans did not think themselves secure until they had obtained the countenance of the Persian monarch.[6] The menaces of his successor compelled Athens to renounce the design of recovering its lost dominion.[7]

Athens, however, found a tongue. "I think," exclaimed Demosthenes, in an assembly about to decide upon the declaration of war against Persia, "that yonder king is the common enemy of all the Greeks. But not on this account would I advise you to plunge alone into hostilities. For I do not see that the Greeks are mutual friends. Rather do

[2] Plut., Them., 29.
[3] Thuc., I. 128 *et seq.*
[4] A. C. 412. Thuc., VIII. 18.
[5] A. C. 387. This was the peace of Antalcidas, so called from its Spartan negotiator. Xen., Hell., V. 1. 31.
[6] 367. Plut., Pel., 30.
[7] 355. Diod. Sic., XVI. 22.

I perceive that some of them trust more to the Persian than to their fellow-countrymen. . . . . Yet I think," added the great orator, "that, in case the king is seen to be the aggressor, the Greeks will give both aid and sympathy to those contending with him. . . . . At all events, let us allow him no pretext for any further interference amongst us. . . . . But I would have you prepared for your enemies, so that ye may be able to defend yourselves, not only against the king, but against all who may attempt to do you harm." [8]

Clouds were already gathering in another direction than that of Persia. When Demosthenes spoke of the enemies who might attempt to overthrow the Athenians, he pointed towards the north. Several years had elapsed since Philip, the eighteenth king of his line, succeeded to the throne of Macedon.[9] Despite his pretensions to an Argive ancestry, the Greeks considered the Macedonian king as much of a foreigner as the Persian. Still more menacing was his power, unbounded in its claims, unsparing in its means. The voice that had pleaded against the Persian intervention, was raised in impassioned invectives against the Macedonian.[10]

Year after year, Demosthenes led the struggle of the Greeks to preserve their independence.[11] But the day of doom had arrived. His own tone confesses

[8] De Class., 3, 4, 37, 41.

[9] A. C. 359.

[10] *Λαβὼν τῆς πολιτείας καλὴν ὑπόθεσιν, τὴν πρὸς Φίλιππον ὑπὲρ τῶν Ἑλλήνων δικαιολογίαν*, "Upholding the great cause of the state, the justification of the Greeks against Philip." Plut., Dem., 12. He was twenty-nine years old when he began, A. C. 356. See his own magnificent language: Philip. I., cap. II. *et seq.*, ed. Vœmel. This oration was delivered in 352.

[11] Niebuhr does the orator and the patriot justice. Lectures, LXVII., LXVIII., LXIX., on Anc. History.

it. The scantiness and the hollowness of the support which he received proclaim it still more plainly. It was better, the large majority opined, to yield to Philip than to the Persian. To one or to the other, it must have appeared their inevitable destiny to submit. Accordingly, to be made as much of a Greek as possible, the Macedonian was appointed the head of the Amphictyonic league. When he had defeated the last array against him at Chæronea,[12] he was proclaimed the leader of the Greeks against the Persians. But as he was on the point of revenging his new subjects upon their ancient foes, he fell by the hand of an assassin.

Alexander, then twenty years old,[13] succeeded to the power and to the position of his father. A number of the Greeks were still sensitive enough to attempt to recover their independence. They were easily beaten down. To divert the minds of his subjects, yet more to satisfy his own passions, the youthful king undertook to invade the Persian territories.

A reaction against liberty had been in preparation amongst the Greeks ever since the Persian war. Up to that time, there had been a gradual increase of liberty amongst the ruling classes. At that time, it reached its height. From that time forward, it declined. When Alexander showed himself resolved to be the master of Greece, its warriors became his soldiers, its citizens his subjects.

In such a reaction, no one could have been more

[12] A. C. 338. "Hic dies universæ Græciæ et gloriam dominationis et vetustissimam libertatem finivit." Justin., IX., 3. Demosthenes lived sixteen years longer, till 322.

[13] A. C. 336.

fitted to lead than the youthful sovereign. He went back to the days of the heroes, and from them he chose his model in one to whom Homer had assigned a second place. What Achilles had been, that would Alexander be, selfish and sanguinary. Not content with claiming Achilles, as he did, for an ancestor, the Macedonian gave it out that he was likewise descended from Jupiter. With all the power of the god and of the hero, Alexander could only resolve upon reviving an earlier age. Unable to create, he determined to re-create. The secret of his career lies there.

The Greeks, whom he could not lead forward, declared him their general [14] as he led them backward, so to speak, to the East, to the land of the past. It was in the third year of his reign that Alexander crossed the Hellespont to the Persian soil.[15] The battle at the Granicus opened his march through the provinces of Asia Minor. A second victory at Issus cleared the way to the Phœnician territory, whence the conqueror proceeded to Palestine and Egypt. He then retraced his steps as far as the plains of Gaugamela, where the rout of the Persian forces was irreparable. Darius, the king, perished in flight, leaving no other successor but his victor. This was within four years from the departure of Alexander from Greece.

It was as a Greek that Alexander thus far triumphed. To nerve himself, or rather to nerve his followers against the Eastern races, he revived the confidence which the Greeks of yore had entertained concerning

[14] Justin., XI. 2.

[15] A. C. 334. With 35,000 men, according to Arrian. See Plut., Alex., 15; Diod. Sic., XVII. 17; Justin., XI. 6.

their superiority. For years, for centuries, the nation had awaited the time when the barbarians of every clime should acknowledge the Grecian superiority. The time appeared to have arrived. Not less than Alexander himself, did his subjects exult in the conquest of the East.[16]

The exultation, however, was presently stayed. Farther back than he had yet gone, the conqueror now returned to the days of old. The impressions of the supremacy belonging to the Greeks faded amidst the phantoms of majesty amongst the Orientals. His old subjects pleased Alexander less than his new ones. The Persians, and those conquered with them, surrounded him with adulation. The homage which he would fain receive came readiest from the races accustomed to the deepest subjection. All that the Greeks meanwhile could do for their lord, was to crowd his array, as he pressed on farther and farther into the Orient. In the same year that he became king of Persia, he set out from the Parthian province upon more extended campaigns. Four years more, and he was in India, still conquering, still advancing. But there his troops from Greece refused to proceed.[17] Sorely against his will,[18] he descended the Indus, and returned to Babylon, where he appeared as an Eastern monarch. His sympathy with the Greeks, checked by his inclination towards

[16] "Car l'éclat des conquêtes d' Alexandre en Asie soutenait encore tout homme Grec dans la conviction de sa supériorité sur tout étranger." Biot, De l'Abol. de l'Esclavage Ancien, p. 34.

[17] A. C. 327. Diod. Sic., XVII. 94.

[18] "Had he conquered all Europe and Asia," says Arrian, (De Exp. Alex., VII., 1,) "he would have turned himself into a foe:" *Εἰ καὶ μὴ ἄλλῳ τῳ, ἀλλὰ αὐτὸν γε αὐτῷ ἐρίζοντα.*

Oriental grandeur, was wholly extinguished by their disinclination towards Oriental abjectness. They and he, indeed, were severed forever, unless he could transform them, like himself, into Orientals.[19]

The reaction which he led was the reaction of centralization. Shaken by the exertions of the Greeks, it recovered itself under the sway of Alexander. By him its forms, by him its ministers were all revived. Whatever the past could furnish to support or to adorn the dominion of the Macedonian was imperiously adopted. No titles were considered excessive. No ceremonies were deemed superfluous. A host of slaves was gathered. Amidst priests, warriors, princes, satraps, poets, and philosophers, Alexander assumed the mysterious pomp which he wore at Babylon. To him as to their only ruler the ancient races made their submission.

He was laying plans in all directions[20] to swell the number of his subjects when he died, eleven years after touching Eastern ground.[21] At once the shapes dissolved which he had conjured up from the earlier ages. Where he had figured as the chief of the mightiest centralization yet formed amongst men, his officers and successors could exalt themselves to the stature only of ordinary monarchs.

A terrible battle at Ipsus, in Phrygia, two-and-twenty years after Alexander's death, decided the partition of his realms amongst the kings of Egypt, Syria, Thrace,

[19] His efforts to do so are described in Justin., XII., 4. Diod. Sic., XVII., 16.

[20] Pliny (Nat. Hist., III. 9) mentions an embassy from Rome.

[21] A. C. 323. At the age of 33. Justin., XII. 16. The Macedonians, according to the same authority, (XIII., 1) rejoiced, "assidua belli pericula exsecrantes."

and Macedonia.[22] New strifes followed. New kingdoms rose and fell. Those whom the victories of Alexander had appeared to unite, were the most severed. Those whom his triumphs had appeared to ennoble, were the most degraded.[23] The only spot bearing a Grecian name that preserved even a show of independence, was the island of Rhodes.

At the same time, the movement of the Greeks that continued through the succeeding centuries, had been begun. The arms of Alexander opened a wider world to the poesy and the philosophy, to the spiritual and intellectual powers which the Greeks had so much exerted themselves to exercise. Imperfect as these were, they were the best influences under which the declining ages of antiquity could be passed.

[22] A. C. 301. "That great battle," says Plutarch, (Pyrr., 4,) "wherein all the kings of the earth did combat." See his life of Demetrius, 28–30.

[23] "And his servants bare rule every one in his place. And after his death, they all put crowns upon themselves, so did their sons after them many years: and evils were multiplied in the earth." 1 Maccabees, 1. 8–9.

CHAPTER X.

THE JEWISH LAW.

"For wherein shall it be known here that I and Thy people have found grace in Thy sight? Is it not in that Thou goest with us? So shall we be separated, I and Thy people, from all the people that are upon the face of the earth." *Exodus*, XXXIII. 16.

The world was enveloped in human laws. They weighed upon the bloom of the earth. They hid its waters in which the heavens might have been reflected. What were regarded as the ordinances of gods proceeded from the priests by whom the gods were served. Such ordinances were the heaviest and the darkest of all with which the ancient nations were encumbered.

Into these wintry ages, a ray of light descended from on high. The head of a tribe dwelling near the Jordan was chosen to preserve the declining worship of the Deity. "I am the Almighty God!" proclaimed a voice to Abraham. The law was added, "Walk thou before Me, and be thou perfect!"[1] The knowledge of the Almighty led to the knowledge of His laws. Henceforward there was at least one tribe of men relieved from the burden of merely human statutes.

But the Divine law was to be interpreted by men. It was also to be supported by them. Their laws

[1] Genesis, XVII. 1.

proclaimed its injunctions. Their laws revealed its promises. "And I will make My covenant between Me and thee," the voice was heard by Abraham to announce. "For a father of many nations have I made thee. And I will make thee exceeding fruitful, and I will make nations of thee, and kings shall come out of thee."[2] The law, we may reverently believe, commanded Abraham to be perfect before God. Abraham went on to interpret it as investing him with authority amongst men.

This was the germ of the Jewish law. To trace its development, we must pass on from the time of Abraham to that of Moses.

The tribe had wandered from the Jordan into Egypt. There it fell into slavery. One of the bondmen, exasperated by the injustice of his oppressors and the pusillanimity of his brethren, fled to the deserts bordering upon Horeb and Sinai. In these forbidding scenes, and to this embittered spirit, were uttered from the burning bush the words, "I am that I am . . . . the Lord God of your fathers. . . . . This is my name for ever."[3] Again the interpretation of man mingled itself with the revelation of God. "I will stretch out My hand and smite Egypt. . . . . And I am come down to deliver My people out of the hand of the Egyptians, and to bring them up out of that land unto a good land and large, unto a land flowing with milk and honey."[4]

The return of Moses to his countrymen broke their chains. Under his guidance, they escaped from the

[2] Genesis, xvii. 2, *et seq.*
[3] Exodus, iii. 15.
[4] Ib., iii. 8, 20.

land of bondage. From him they received the laws preparing them for the conquest and the possession of the promised land.

The law understood by Moses to be Divine was the same as that which Abraham had received. "Ye shall be holy," it declared, "for I the Lord your God am holy."[5] The manner in which this holiness might be reached was set forth in the statutes supporting the law. "Ye shall fear every man his mother and his father. . . . . Ye shall not steal, neither deal falsely. . . . . Thou shalt not avenge, nor bear any grudge against the children of thy people, but thou shalt love thy neighbor as thyself. . . . . And if a stranger sojourn with thee in your land, ye shall not vex him. But the stranger that dwelleth with you shall be unto you as one born among you, and thou shalt love him as thyself."[6]

To keep these commandments, there was one motive above all others. This was to gain dominion. "If ye will obey My voice indeed, and keep My covenant, then ye shall be a peculiar treasure to me above all people. For all the earth is Mine. And ye shall be unto Me a kingdom of priests and an holy nation."[7] Again and again was the law of God interpreted as magnifying the race on whom it was enjoined. "Thou shalt be blessed above all people. . . . . And thou shalt consume all the people which the Lord shall deliver thee. Thine eye shall have no pity on them. . . . . And ye shall possess greater nations and mightier than yourselves. Every place

[5] Levit., xix. 2.
[6] Ib., xix. 3, 11, 18, 33, 34.
[7] Exodus, xix. 5, 6.

whereon the soles of your feet shall tread shall be yours: from the wilderness and Lebanon, from the river, the river Euphrates, even unto the uttermost sea, shall your coast be. There shall no man be able to stand before you." [8]

The source of the Jewish law was Divine. Its course was so shaped by men as to be merely human. As such it made the Jews rulers. Those whom it made rulers, and those only, did it make freemen.

The law was earnest in securing the liberty of the Jews. Not only did it divide the promised land equally amongst them all.[9] It provided for the recovery of every estate that might be lost by the indigence or the wilfulness of its possessor. Were he indifferent about regaining it, his children had the opportunity of reinstating themselves at each returning celebration of the national Jubilee.[10] The more frequent recurrence of the Lord's Release witnessed the liberation of every debtor from the confinement in which the law had been watching over him.[11] Guarded against private, the Jews were also protected against public oppression. The first to be called by Moses to authority were "able men out of all Israel." [12] Distinctions of families and tribes were lost in the common Congregation.[13] To this

[8] Deut., VII. 14, 16, XI. 23 – 25.

[9] Numbers, XXVI. 53 – 56.

[10] "Which name," says Josephus, (Antiq., III. 13. 3,) "denotes liberty." See Levit., XXV. 8 *et seq.* The festival recurred every fiftieth year.

[11] Deut., XV. 1 *et seq.*; Exodus, XXI. 2 *et seq.*

[12] Exodus, XVIII. 25.

[13] Jahn calls this the "Comitia Generalia." Arch. Bibl., 216, 218. See Joshua, IX. 15 *et seq.*, XXIII. 2, XXIV. 1. Clement of Alexandria has reason to praise the system by which this organization was rendered practicable. Strom., I. 26. tom. I. p. 421, ed. Potter.

body, the chiefs, whose titles are variously recorded as Heads of Families, Elders, and Princes, appear to have been accountable.[14] The only immediate exception to this general equality was the elevation of a single tribe to the functions of the priesthood. But the privileges of this order were not so numerous as its obligations.[15] A king was anointed prospectively. But he was to be one "whom the Lord shall choose."[16] Above all other authority was recognized that of the Deity. He ruled on earth as in Heaven.[17] Obedience to Him was the safeguard of liberty.

It was likewise the security of dominion. "Take heed to thyself," forewarned the Jewish law, "lest thou make a covenant with the inhabitants of the land whither thou goest, lest it be for a snare in the midst of thee. But ye shall destroy their altars, break down their images, and cut down their groves. For thou

[14] The divisions may be more precisely sketched, with their chief personages, as follows: I. The twelve Tribes, each with its Prince and its Captain. II. The Families (Ewald says twelve to each Tribe), which were apparently like the Athenian Fraternities ("families of the sons of Joseph"), and which were again subdivided into bodies, corresponding, possibly, with the Athenian Names ("families of the children of Gilead, the son of Machir, the son of Manasseh)." The Chiefs of the Families were called the Chief Fathers of the Families, in contradistinction to the Princes of the Tribes, who were styled the Chief Fathers of the Children of Israel; but the family chieftains are also called Heads, Princes, and Elders. Perhaps the Head was the Chief of the lesser, and the Elder or Prince of the greater Family. See Numbers, ch. II., XXVI., and XXXVI., and consult Ewald's Alterthümer, pp. 253 *et seq.*, as well as his Geschichte des Volkes Israel, vol. I., pp. 411 *et seq.*

[15] Numbers, XVIII. 1 *et seq.*

[16] Deut., XVII. 15.

[17] "Wherever the Israelite turned, he was reminded," says one of their descendants, "of the presence of his God and of his king. His king was in heaven; his God was on earth." D'Israeli, Genius of Judaism, p. 35. "Deus profecto erat Rex Israelitarum." Jahn, Arch. Bibl., § 219. "Non tantum generali providentia, sed speciali imperio, gentem Judaicam regeri et moderari." Spencer, Dissert. de Theoc. Jud., De Legg. Hebræor., cap. v. § 1.

shalt worship no other god."[18] Again, it was declared: "Of the cities which the Lord thy God doth give thee for an inheritance, thou shalt save alive nothing that breatheth. But thou shalt utterly destroy them."[19] Yet the conquest was not to be so destructive as to leave none of whom subjects could be made by the conquerors. "Both thy bondmen and thy bondmaids which thou shalt have," continued the law, "shall be of the heathen that are round about you. . . . . And ye shall take them as an inheritance for your children after you. . . . . They shall be your bondmen forever."[20]

Dominion over the promised land and its inhabitants proved insufficient for the Jews. Through the long conflicts in which they were involved under their judges and their kings, they strove to increase, more frequently than to preserve, their realms. The expectation, dimly embraced by Abraham, but clearly enunciated by Moses,[21] concerning the appearance of a future Prophet, swelled into the anticipation of universal empire. "And he shall smite the earth," exclaimed Isaiah, "with the rod of his mouth, and with the breath of his life shall he slay the wicked. . . . . Fear not, thou worm Jacob, and ye men of Israel! I will help thee, saith the Lord and thy Redeemer, the Holy One of Israel. And I will make thee a new sharp threshing instrument, having teeth. Thou shalt thresh the mountains and beat them small, and shalt make the hills as chaff."[22]

[18] Exodus, xxxiv. 12–14.
[19] Deut., xx. 16, 17.
[20] Levit., xxv. 44, 46.
[21] Deut., xviii. 15 *et seq.*
[22] Isaiah, xi. 4, xli. 14, 15.

Of all nations in ancient times, the Jews approached the nearest to the possession of the eternal principles upon which liberty rests. They were made acquainted with the existence and the omnipotence of their Creator. From Him they received the law to be holy and perfect. The higher powers of humanity were roused within them. They rose with David to the heights of penitence and of prayer. They lifted their voices with Isaiah in preparing the glory of the Lord,[23] with Daniel, in foretelling the endless majesty of His kingdom.[24] Yet theirs was the shade, rather than the light of the Divine law.[25] Laws of their own, supporting the lowest forms of liberty, stood side by side with laws supporting its highest forms. Instead of resisting the centralization that prevailed of old, the Jews were amongst its most unsparing champions.

Centuries rolled on, during which the life of the Jewish nation was spent upon a narrow strip of the civilized earth. Conquered by the arms of Assyria and Babylon, the Jews spread in exile through the East.[26] Those of later generations who were permitted to return,[27] not only took possession of their former territory, but extended themselves in migration over most of the countries in the West. Their expectations of future dominion had been checked. Their convictions of personal and national superiority had been disappointed.[28] Not with menaces, therefore, or with

[23] Isaiah, XL. 3–5.

[24] Daniel, II. 44.

[25] "Judæi quippe habebant quandam umbram rerum." Salvian., Ad. Eccl. Cath., II. p. 385, ed. Oxon. 1629.

[26] The kingdom of Israel fell in A. C. 721; that of Judah, in 599. 2 Kings, XVII. 6, XXIV. 10–16.

[27] The first restoration, according to common chronology, was in A. C. 536; the second, in 457. Ezra, II. 1 *et seq.*, VIII. 1 *et seq.*

[28] The Maccabees, heroic as they

arms, did they seek their new homes. They went as the believers in the God whom they had worshipped in times past, and whom all men were to worship in times to come. How many proselytes they made amongst the strangers with whom they settled, cannot be told.[29] But the dispersion of the Jews was not the less a preparation for the close of antiquity.

were, rose against Antiochus of Syria, only to become the allies and the dependants of Rome. Maccabees, ch. VIII. Joseph., Antiq., XII. 10. 16, XIII. 8. 1, 9. 2. Bell. Jud., I. 2. 3, 8.

[29] On their proselytism generally, see Jennings's Lect. Jewish Antiquities, Book I. ch. 3; Reland, Antiq. Sac. Vet. Hebræor., II. 7, § 14; and Tacit., Hist., V. 5.

CHAPTER XI.

THE PAST AT ROME.

"Ancestral voices prophesying war."
COLERIDGE.

"GOD created man in His own image." This was the tradition of the Jews. This is the belief of Christians. They must therefore believe that man was endowed with the same natural powers in ancient as in modern times.

But it is unquestionable that the powers of the early generations were less developed than those of the later ones. At the beginning of the ancient era, men appear as the possessors chiefly of physical abilities. The earth was to be tilled. The brute creation was to be subdued. The neighboring or the distant tribe was to be met in terrible battle. To such ends, physical energies generally sufficed. So far as they needed the control of the intellectual capacities, these likewise were required. But, at the most, the powers in exercise during the opening ages of antiquity, were of comparatively low degree.

New labors were mingled with the old. Amidst the throes of war and muscular exertion, the birth of civilization occurred. Intellectual wants led to the exercise of intellectual powers. Spiritual wants led,

but less directly, to the exercise of spiritual powers. These, however, appeared only to disappear beneath their own imperfections. Men recurred the more confidently to their intellectual and their physical powers. By these, the state was formed. By these, it was provided with laws as well as with arms. The citizen was not only the man of force but the man of law. He was likewise the man of intellect, appreciating, if not exercising, the powers of the artist or the poet, of the orator or the philosopher. The whole race advanced during the progress of antiquity to higher ground. Though still covered with shadows, it was nearer to the light of the future.

The powers of the ancient races were not within the reach of all. Not every man could be strong in arm. Still less could every one be strong in mind. There was no spiritual power, it must be remembered, to which all men could rise. There were intellectual and physical powers; and to these the few alone could attain.

Consequently, liberty was the right only of the few. They, and they alone, exerted the powers which, as the highest then employed, gave them the right to the highest liberty then attained.

Liberty was also the possession of the few. Theirs were the laws supporting the right which they already held. Merely human laws always restrict the possession of liberty to a few. None but human laws, as has been related, prevailed in antiquity.

Liberty, then, was both the possession and the right of the few. It was in this way equivalent to dominion. The freemen were everywhere the rulers of

the ancient states. When they ceased to rule, they ceased to be free. The mass without dominion were without liberty.

In other words, liberty was exceptional amongst the generations of old. It was so, not merely with the majority, but with the minority. Where the circle of the ruling classes was most expanded, it proved too narrow to contain them all. Sometimes a portion was sacrificed to the rest. At other times, the whole class fell into subjection beneath one of their own number or beneath the stranger. Even when exposed to no foreign conquest or to no domestic revolution, the dominant class would lose its liberty for want of powers to secure liberty as its right or for want of laws to secure liberty as its possession. It fared the same with the single ruler. His liberty would sink in his own weakness if it did not under another's oppression.[1] Thus with the superiors, as with the inferiors, liberty proved the exception, and not the rule.

To this conclusion the ancient centralization could not but arrive. Everywhere, so surely as the many yielded to the few, the few themselves sank in stagnation or in subjugation.

This was seen even in ancient times. Even in them, likewise, it was deprecated. The philosopher conceived of a system whereby men, "instead of being parted by habitations and distinctions, should regard one another as fellow-countrymen and fellow-citizens whose life and whose rank should be one and

1 "Beschränktheit ist der Character des ganzen Alterthums." See Hartung, Religion der Römer, vol. 1. pp. 264–273.

the same."[2] It was an approach to the system of union. But it was made only in a vision.[3] The reality preserved all the distance of centralization.

Such was the past to which the Romans turned. India was not so remote but that they might have often heard of the power of the Brahmins. The Persian monarchy had been laid open to view by the victories of Alexander. The other countries included in his empire were those which the Romans themselves made haste to vanquish. From the Adriatic along the Mediterranean coasts to the farther shores of the Indian Ocean, the later conquerors beheld nations dwelling under one system. Under it had been achieved all human triumphs. Under it had been experienced all human losses. But the Romans trusted that they could renew the triumphs without encountering the losses of the nations before them. To them the decline of the earlier races was accounted for by their unfitness to carry out, rather than by their inability to throw off, the ancient centralization.

To this the Romans in their turn devoted themselves. With their conquests, the time had come when the system, oppressing generation after generation, was to receive its utmost extension. Fierce and rude grew up the people upon the seven hills. Contest upon contest at home established the liberty of

[2] *Ἵνα μὴ κατὰ πόλεις μηδὲ κατὰ δήμους οἰκῶμεν, ἰδίοις ἕκαστοι διωρισμένοι δικαίοις, ἀλλὰ πάντας ἀνθρώπους ἡγώμεθα δημότας καὶ πολίτας εἷς δὲ βίος ᾖ καὶ κόσμος ὥσπερ ἀγέλης συννόμου νόμῳ κοινῷ συντρεφομένης.* The philosopher was Zeno. Ap. Plut., De Fort. vel Virt. Alex., Or. I., tom. VII. p. 302.

[3] *Ὥσπερ ὄναρ ἢ εἴδωλον.* Plut., loc. cit.

their freemen. Conquest upon conquest abroad made their freemen the masters of the ancient world. The institutions by which centralization was feebly supported in other lands were swept away to make room for the stronger institutions of Roman foundation. The liberty of the Romans was employed in rebuilding the ancient centralization. To so vast a form as it assumed with them, it had never before attained upon the earth.

In reading the history of a liberty directed to such an end, we need not fall into censures or alarms. It would be denying the goodness of God to refuse to consider any of His creatures as having been created to do Him service. He made the Romans His instruments in bringing about the humiliation of antiquity. And this was the preparation for the redemption of modern times.

BOOK II.

PERIOD OF FOUNDATION.

A. C. 753–500.

"The separation of all the chiefs or nobles from the inferior people was far more strongly marked than the elevation of the king above his nobles."

ARNOLD, *Appendix* I. *to Thucydides.*

BOOK II.

PERIOD OF FOUNDATION.

CHAPTER I.

THE PLACE AND THE PEOPLE.

"Omnia Romanæ cedent miracula terræ:
Natura hic posuit quidquid ubique fuit.
Armis apta . . . . tellus."

PROPERTIUS, III. *Eleg.*, 22. 17–20.

NOT so far from the western coast of Italy as to be land-locked against the intercourse and the enterprise whose paths are on the sea, nor yet so near as to be exposed to the perils and the piracies wherewith the waters swarmed in early times, there rose a group of seven hills, by which the river Tiber flowed, swift and winding, to the Mediterranean. The hills were neither large nor lofty; but as they stood, covered with rank and rugged vegetation, and flanked with rocks, on some sides steep as precipices, the security of their situation must often have attracted the herdsman harassed by losses, or the rover weary of forays. Below and amongst them lay some scanty patches of more level ground,

of which a large portion was primitively unfit either for habitation or for cultivation, partly on account of its swampy character, and partly because the adjoining river would often pour over it in inundation. The more untenable the lower ground, the more defensible was the higher; and so much were the hills separated from one another by the natural moats at their bases, that each might have been originally occupied by a different band, with comparatively little danger to the least numerous or the worst fortified. It was inevitable, however, that, as the trees upon the hills were felled, and as the huts upon the narrow summits were built lower down, the various settlements, exposed to one another's sight and trespassing on one another's possessions, would be united by consent or conquest into a single city.

The later names of the seven hills may be here introduced as if they belonged to the earlier period. As near as any to the centre was the Capitoline, with its Tarpeian cliff, the immovable strong-hold,[1] as it was called, to which the other hills were like dependent outposts. Across a lake or pool, where lay the stormy Forum in after times, rose the Palatine, originally, it would seem, the more defensible hill, inasmuch as it was this which the Arcadians occupied, according to the legend, and this on which Romulus marked out his walls. Nearer the river stood the large Aventine. On the opposite side of the Palatine, were ranged almost abreast the Cœlian, the Esquiline, the Viminal, and the Quirinal, all of

[1] "Immobile saxum." Æn., IX. 448.

which successively abutted upon the valley common on the other side to the Palatine and the Capitoline. But at their farther extremities, the four hills mentioned scarcely rose above the neighboring plain, leaving an opening, as it were, to the incursions from which the Romans would otherwise have been almost entirely protected. These names, perhaps, sufficiently describe the relations of the hills one to another. With the aid of a plan, or, better still, of memory, the reader will easily observe the similitude of their appearance and position to an assemblage of fortresses which, when once joined together, might be held against the entire country round.[2]

This neighboring territory was as peculiar in its nature as that of the hills. It would be unsafe to describe it as if it were the Campagna of the modern city, from which the waste of centuries has stricken verdure and foliage. But the forms which the earth wore, and the hues with which the air was beautified, are still the same in general appearance as in ancient days. The undulations of the ground on either side of the seven hills were precisely such as would attract a warlike or a migratory people to build their cabins where they would have a field to furnish them with food, at the same time that they found a cliff or a ravine to use in their fortifications. All around would spread colonies and villages, neither so close to each other as to create any

[2] "In fact," says Professor Newman, in his thoughtful work on Regal Rome, (p. 29), "seven different fortresses seem to have been placed on the site of Rome, surrounded by small villages; for a feast called Septimontium was ascribed by Roman antiquarians to this primitive era."

want of land, nor, on the contrary, so far removed as to obviate the necessity of strife. Any traveller or reader of travels will recollect the mountains which, like sentinels with snowy plumes, close in upon the northern, the eastern, and the southern borders of the Roman plain. The west, it will likewise be remembered, was begirt by the waves of the Mediterranean.

Above the calm mountains and the broken plain shone of old the same sky that now overhangs them. Its fervid color and its dissolving haze, each existing to the greater beauty of the other, were as familiar in ancient as in later times. At sunset, the mountains were arrayed in purple mantles like those which are still put on, unblemished and unworn. At noon, the glare, the rain, the contest between the sunlight and the storm, were as variable and impassioned as those who have lived beneath the skies of Italy can remember. At morning, the breeze broke, as it yet breaks, freshly over the expanding plains. It may thus have happened that the ardor of the early settlers was kindled by the changeful air which they breathed, as by the scenes which they looked upon. If the atmosphere was colder, in the early times,[3] then the energy which was aroused was also maintained by the physical influences belonging to the seven hills.

The position of Rome was probably no matter of choice, but of necessity.[4] Yet the inhabitants

[3] See ch. XXIII. of Arnold's History of Rome, and Tournon, Études Statistiques sur Rome, tom. I. p. 204 *et seq.*

[4] "Illa de urbis situ . . . . quæ a Romulo casu aut necessitate facta sunt." Cic., De Rep., II. 11. See Strabo, V. 3. 7.

of the city, when it became the great one of the earth, accounted for the situation by the enumeration of its natural advantages.[5] Then, as now, must it have appeared how congenial were the scenery and climate of the hills to the circumstances of the original occupants. The neighborhood was seen to have been marked out for battle fields, to which natural strong-holds offered the only interruptions. A still wider expanse of warfare was recognized as having been prepared in the realms beyond the sea to which the Tiber flowed. Had the seven hills stood farther inland amongst the Apennines, had the surrounding plains been deserted or occupied only by a peaceful population, not Rome alone but the wide world would have had a different history. The place was formed for warriors.

It is not here that the weary questions concerning the primitive population and the subsequent migrations which occupied Italy can be renewed.[6] From beyond the northern mountains and the seas surrounding every other side of the peninsula, horde pursued horde and band followed band. Every fresh arrival was the signal for contests of greater or less ferocity, in proportion to the strength and the numbers of the new and the former comers. But few of the combatants were crushed by a single defeat; but few were satisfied by a single victory. The country was parcelled and reparcelled

[5] See the lines from Propertius at the head of the chapter, and compare Cicero's eulogy, De Rep., II. 3.

[6] See Malden's History of Rome, in the Library of Useful Knowledge, ch. 3; Brotonne, Hist. de la Filiation des Peuples, Liv. II. ptie. 2; or the early chapters of Niebuhr's great History of Rome.

amongst its struggling races, as they triumphed or as they fell amidst surrounding conflicts. Nor was the strife continued simply for the sake of the possessions to be assailed or to be defended. Contrary customs, contrary principles, contrary creeds, were staked against each other; and the changes of century after century were as much apparent in the different objects for which men lived, as in the varying boundaries within which the separate nations were temporarily established. No other land has even the traditions to exhibit of so many convulsions in preparation of its later destinies.

Among the almost countless variety of races thus poured through every part of Italy, three are to be singled out in consequence of their relations to Rome. These are the Latin, the Sabine, and the Etruscan people, of whom the last held the territory to the north, the Sabine that to the east, and the Latin that to the south and southeast[7] of the seven hills, at the time when the city of Romulus is supposed to have been founded. Among each of the three races there existed a confederacy[8] of slight compactness, but of such wide extent that Rome itself is sometimes conjectured to have belonged to one or to another league.

There are also signs in the early legends of Rome entitling us to imagine that the beginning of its independence was in conflict with its neigh-

[7] Florus, in speaking of Rome, mentions especially the Latins and the Etruscans: — "Mediusque inter Latium et Tuscos, quasi in quodam bivio collocatus." I. 9.

[8] Micali, Stor. Ant. Pop. Ital., cap. XXI.

boring and kindred people, against whom it obtained assistance from other neighbors who were not its kindred. Sometimes, there are traces of a colony upon the hills.[9] Anon, the colony is transformed into a secession.[10] Then, again, the taper-tradition flickers, and nothing can be seen of any connection with the tribes or the towns of the environs.[11] But there can be no doubt as to the blending of different races in the Roman people. Those most nearly connected by the ancient traditions must have been those most largely contributing to the settlement upon the seven hills. The Latin, the Sabine, and the Etruscan laid aside their past enmities to pursue their present purposes, whether of safety, of rapine,[12] or of open warfare.[13]

Such a people, however gathered, swiftly became one of warriors.[14] For them the place which they occupied had been prepared.

[9] And even from Arcadia and Troy. See, also, Niebuhr's chapter, entitled "Traditions on the Founding of the City."

[10] From Alba. Göttling, Röm. Staatsverfassung, § 29.

[11] Becker, Röm. Alterthümer, vol. II. p. 11.

"How many realms, pastoral and warlike, lay
Along the plain, each with its schemes of power,
Its little rivalships!"

ROGERS'S *Italy*.

[12] "Ces peuplades errantes ne vivaient que de guerre, c'est à dire de vol." Boulland, Hist. des Transformations des Peuples, p. 225.

[13] "Quippe quum populus Romanus Etruscos, Latinos, Sabinosque miscuerit, et unum ex omnibus sanguinem ducat. Corpus fecit ex membris, et ex omnibus unus est." Flor., III. 18. The Italian Micali, not content with this, would have Rome "una mescolanza di genti d'ogni nome." Stor. Ant. Pop. Ital., cap. x.

[14] "Roma ferox." Hor., Carm., III. 3. 44.

CHAPTER II.

THE FOUNDERS.

"Temporum illorum tantum fere regum illustrata sunt nomina."

CICERO, *De Rep.*, II. 18.

THE legends or the lays of Rome possess not only the freshness on which poetry, but, in many respects, the faithfulness on which history depends.[1] It is neither fit to scare them from existence by a lean and wasteful learning, nor necessary to repeat them as though the only advantage to be gained were the illustration of the ardent faith by which they were, in after times, created. If they be attributed to later generations, none can tell to which they must actually and definitely be assigned. If credibility be utterly denied to them, the only means of composing the early annals of their people must be abandoned as unserviceable.[2] The stoutest skeptic voluntarily lowers his lance before

[1] Even calling them "complacent fictions," as Wordsworth does: —

"Yet the same
Involved a history of no doubtful sense,
History that proves by inward evidence,
From what a precious source of truth it came."

[2] "It is as dangerous," said Plutarch, "to discredit as to credit such matters too entirely." Camill., 6.

the mention of a law or the outline of the assembly in the ancient stories. We may believe that they contain memories of greater significance.

They are the sources from which the elements of the Roman character are to be drawn. Of these the first to be seen is the love of arms. From the point at which the god of war appears as the father of Romulus, this is represented as the instinctive passion of the Roman heart. Not to live in peace did the restless Latin, the vigorous Sabine, and the vindictive Etruscan cleave their way to the seven hills. They came to maintain themselves against their pursuers, upon whom they, in their turn, might soon be able to fall with resistless revenge. If they came unpursued, they were all the sooner engaged in the pursuit of others. Flocks were to be seized, and lands to be conquered, from the foot of the hills over all the surrounding plain. But altogether above mere lust of conquest was the savage exultation with which the Roman of the early as of the later days armed himself for battle. In peace, he was but an ignorant and an indolent man, even in his own eyes. In war, his prowess and his skill raised him to the stature of the hero.[3] His, therefore, was a love of arms for the sake of arms, still more than for that of the spoils which they assured.

The legends are followed by the subsequent accounts of the early warriors. One historian writes

[3] "Si la critique peut renverser en grande partie l'histoire des premiers siècles de Rome . . . . n'en saurons-nous pas assez sur un peuple qui . . . . ne savait que se battre?" Lévesque, Sur Différents Points de l'Hist. Rom., Mém. de l'Institut, Hist. et. Litt. Anc., tom. II. p. 393.

that they were a rude race without law and without government.[4] Another describes them as a horde unfit to adopt any institutions.[5] A third, of later date, makes no scruple about styling them robbers and barbarians.[6] The actors were appropriate to the scenes of the opening history.

The earliest legend of which we need take notice related the birth of Romulus and Remus, the twin children of Mars and the priestess Silvia. She was of the royal house of Alba, but of a sire whose rights to the throne had been usurped by his younger brother. He, either fearing the future claims of the new-born boys, or else indignant at the dishonor of his niece, ordered the mother and the infants to be thrown together into the Anio, to die. Silvia perished; but the babes, carried down the stream into the Tiber, were borne on farther to the foot of the Palatine hill. A wolf was said to have lapped them with her tongue and fed them with her milk, until they were discovered by a shepherd, who took them into his own hut and with his wife's aid saved them from death. The boys grew up with their preserver's children to be men, stronger and braver than any of their companions, who may have been herdsmen or colonists, of one race

[4] "Genus hominum agreste sine legibus, sine imperio." This is applied more particularly to the "Aborigines." Sallustius, Cat., 6.

[5] "Ex finitimis populis turba omnis sine discrimine liber an servus esset, avida novarum rerum." Livius, 1. 8.

[6] "Jam latrones et semibarbari." Eutropius, 1. 3. A Christian contemporary of Eutropius tells the same story: "Jam finitimos agro pellere, civitates proximas evertere cum templis et altaribus, captos cogere, damnis alienis et suis sceleribus adolescere." Min. Felix Octavius.

or of several. The spot where the brothers were bred and where they supposed themselves to have been born, was still in all its ruggedness. Yet it is probable that the different people living near, on either side, were already approaching one another by forming settlements upon the hills.[7] However this may have been, it does not appear that Romulus and Remus found it difficult, when their parentage was discovered, to gather a numerous band of followers, as they revenged their mother's death and replaced their grandfather, yet living, upon the throne of Alba.

The young heroes returned to their huts on the Palatine, either bound by promises to their followers who could not have been rewarded at Alba,[8] or else themselves preferring their earlier home. New hopes, however, had come to them; and when they turned their backs upon the city which they had recovered for their grandfather, they were already determined to build a city of their own. Both sought the honor of laying its foundations, though the legend represents them as having intended to rule it jointly. But Romulus assumed the charge, and drove the plough around the limits designed by himself upon the Palatine. Then Remus, enraged by the choice of the place,[9] as well as by his brother's assumption of superiority, came up in derision to leap over the furrow that marked the line of the future walls. A quarrel arose between

[7] See Plut., Fortun. Romanor., ed. Reiske, tom. VII. p. 273. Cf. Prop., IV. 4. 9.; Liv., I. 5.

[8] Plut., Rom., 9.

[9] Liv., I. 6. Dion. Hal., I. 85, 86.

the brothers and their several adherents. Hard words brought on hard blows; and Remus fell, slain by the hands of Romulus, or, as some said,[10] by one of Romulus's followers. The survivor made a show of lamentation. But the city was founded, and the Festival of the Shepherds[11] was held in rejoicing over its opening destinies, too lamentably presaged by the conflict with which they then began. Not the least ominous record of the tradition is that concerning the violation of the religious offices to which Silvia, the mother of the hero and founder, had sworn fidelity in vain.[12]

The reign of Romulus commenced with the opening of an asylum, as it was styled, for fugitives and adventurers of every description.[13] When his followers became sufficiently numerous, they went on from one act of violence to another until their passions were satisfied. Some Sabine virgins, enticed by the desire of seeing the new city, accepted the invitation of their wild neighbors to a festival.[14] Before the day was over, the visitors found themselves transformed into wives, whose sudden nuptials were soon celebrated by the battle-cries of their incensed kinsmen. Strange success attended the Romans. Adventurers and fugitives as they

[10] Ovid., Fast., v. 837 *et seq.* Plut., Rom., 10. De Vir. Illustr., cap. 1.

[11] The Palilia. Plut., Rom., 12.

"And little Rome appears. Her cots arise,
Green twigs of osier weave the slender walls,
Green rushes spread the roofs; and here and there
Opens beneath the rock the gloomy cave." DYER.

[12] For the variations in these and in the other legends, see Malden's History, end of ch. 1., and ch. IV.

[13] Liv., 1. 8. Dion. Hal., II. 15.

[14] Liv., 1. 9.

were, they prevailed against the tribes from which they had separated themselves. More singular by far was the willingness with which the surrounding people joined with them in their tumultuous fortunes. The Sabines, apparently on the very eve of obtaining vengeance, united themselves to their foes upon equal terms.[15] Many of the Latin towns were drawn into a confederacy with the Romans.[16] Vestiges of an Etruscan immigration at the same period are likewise to be traced.[17] Thus the three foremost races of Italy, from which a people had been formed at Rome, combined in adding to its numbers and its triumphs. The foundations were no sooner laid than the wall and the tower, so to speak, were raised by other hands.

The names of the three original Tribes, the Ramnes, the Tities, and the Luceres, from their leaders, Romulus, Tatius, and Lucumo,[18] bear witness to the coalition of races in the Roman. As the first to have a leader at Rome, the Ramnes may have had some pretensions above the other two.[19] It is quite evident that the privileges of the Etruscan Luceres,

[15] Under their king Tatius. "Regnum consociant, imperium omne conferunt Romam. Ita geminata urbe." Liv., I. 13.

[16] Liv., I. 11. Dion. Hal., II. 35, 36.

[17] Under a Lucumo, who gave aid to Romulus against the Sabines. Festus, s. v. Cœlius Mons. Varro, De Ling. Lat., v. 9, ed. Spengel. Cic., De Rep., II. 8.

[18] The origin of the word Ramnes is plainly enough connected with that of Romulus or Rome. Tities is from Tatius, the Sabine king; and Luceres from Lucumo, Lucus, or Lucerus, all susceptible of some sort of explanation connecting them with an Etruscan derivation. "Nominatæ [Tribus], ut ait Ennius, Tatienses a Tatio, Ramnenses a Romulo, Luceres, ut Junius, a Lucumone." Varro, De Ling. Lat., v. 9. "To me," says the author of Regal Rome, (p. 44, note), "the whole idea appears without a basis." I cannot agree.

[19] "Celsi Ramnes." Hor., Art. Poet., 312. Cf. Dion. Hal., II. 62.

the last to have a leader amongst the Romans, were inferior to those of the two preceding Tribes. All the three, however, possessed an equal claim to the name of Romans, and to the title of Patricians.

This title was equivalent to that of Masters. None more befitting could have been assumed by a people in whose character the love of dominion constituted one of the foremost elements. The love of arms was in a great degree the love of dominion. To be valiant with the early Romans was to be powerful; to be powerful was to be valiant. But as they loved warfare for its own sake, so, for its own sake, did they love dominion. It was the pride of the individual to lead in battle or to command in peace. The greater the number of his inferiors, whether personally dependent or personally independent, the greater was his own dignity. As a nation, the Romans, both the early and the later, were animated with the same passion for empire. The wider the extent of their realms, the larger the lists of their subjects, the more prosperous, the more glorious was their own destiny. It was consistent to begin as Masters or Patricians.

The title was supported by the reality. The Patricians composed the troops of horse[20] and foot[21] by whom the honors of the field were won. Amongst them were divided the spoils and the lands acquired in battle.[22] They occupied the assemblies and the

[20] "Turma terima est (E in U abiit), quod terdeni equites ex tribus tribubus .... fiebant." Varro, De Ling. Lat., v. 16.

[21] "Milites quod trium millium prima legio fiebat ac singulæ tribus .... millia singula militum mittebant." Id., ib.

[22] "Ager Romanus primum divisus in partes tres, a quo tribus ap-

tribunals of the city. Of their number was the king, who presided in peace[23] and who led in war. He ruled as the chief of the Patricians. A plot of ground set apart to be cultivated for him,[24] because he had no time to devote to his own interests, was the principal distinction between himself and his turbulent comrades. He was a master, only as one of the masters.[25]

The death of the first king is ascribed to the Patricians. According to one account, Romulus had tried to tyrannize over them.[26] According to another, he had ruled "more like a Patrician than a king."[27] Whatever led to his decease, Romulus is described as having reappeared for the sake of urging the Romans to pursue warfare until they conquered every nation upon the earth.[28] The love of arms and the love of dominion were thus declared to be not only the crowning characteristics, but the crowning duties of the nation.

Another trait, however, had already appeared

pellatæ." Varro, De Ling. Lat., v. 9. "Bina jugera a Romulo divisa viritim." Id., De Re Rust., I. 10.

[23] Dionysius relates that Romulus himself judged the greatest crimes (*τῶν ἀδικημάτων τὰ μέγιστα*), and committed the rest (*τὰ ἐλάττονα*) to the Senators. II. 14. See the whole section concerning the king's authority.

[24] "Sine regum opera et labore, ut eos nulla privati negotii cura a populorum rebus abduceret." Cic., De Rep., v. 2.

[25] "Roms älteste Verfassung aristocratisch, und nicht, wie gewohnlich ungenommen wird, monarchisch gewesen ist. . . . . Denn das wort *Rex* bedeutet keinen Alleinherrscher (Tyrannus), sondern einen der leitet, lenkt (qui regit), dem die Ausführente Gewalt gegeben ist." Eisendecher, Bürgerrecht im alten Rom., pp. 11, 13.

[26] Liv., I. 15, 16. Dion. Hal., II. 56.

[27] *Ἄρξας τε πατρικῶς μᾶλλον ἢ τυραννικῶς.* Appian., De Regibus, Exc. II., ed. Didot.

[28] In words foretelling the destiny of Rome: "Cœlestes ita velle, ut mea Roma caput orbis terrarum sit: proinde rem militarem colant: sciantque, et ita posteris tradant, nullas opes humanas armis Romanis resistere posse." Liv., I. 16.

On the legends relating to Romu-

amongst the Romans. Warrior as he was, Romulus had been likewise a legislator. After organizing the tribes of the Patricians, he promulgated the laws which they suggested or which they adopted, as the case may have been. Upon the national character was deeply impressed the reverence for law. Whether it were a lesson from the Latins, the Sabines, or the Etruscans, or from all three, the Romans readily learned the value of a code by which their arms and their dominion might be upheld. Every thing that could contribute to their discipline as warriors was introduced into the public statutes. So was every thing that could contribute to their security as rulers. It was their interest as well as their obligation to reverence the law.

To carry on the legislation which the first king had but begun, the Patricians chose[29] a second king in the person of the Sabine Numa. The very name of the new chieftain has been taken for the personification of law.[30] Under Romulus, the Patricians had laid the foundations of their state in conquests. Under Numa, they are believed to have built up their institutions.[31]

The institutions of religion were the first to be

lus, see the treatise De Urbe Roma ejusque rege Romulo, ap. Sallengre, Nov. Thes. Ant. Rom., tom. II.

[29] Livy says, "Ad unum omnes decernunt" (I. 18); and it is certain that the Curias elected the kings. Cic., De Rep., II. 13, 17, 18, 20, 21. Then, "Ipse de suo imperio curiatam legem tulit." Cic., De Rep., II. 13. That is, he received from the same assembly which had elected him the Imperium, the military and the judicial commission, so to speak, of king. It was the form of all the first elections to the throne.

[30] With the help of the Greek Νόμος, "d. h. der Sitten, Gebräuche, Ceremonier und Gesetze, oder den Urheber des Staats Organismus." Hartung, Rel. der Römer, vol. I. p. 216.

[31] "Her [Rome's] better founder." THOMSON.

raised. Up to this time they had remained in the confused condition natural to the circumstances in which the members of different races had collected at Rome. Each Tribe of the Patricians worshipped its own divinities. Ceremonies were, here, of one kind, there, of another. Without harmony in their religious relations, they were constantly exposed to discord in their political relations. Under the guidance of Numa, they were believed to have organized a common system of religion. The homage of idols was abolished. The sacrifice of human beings was prohibited.[32] Four Pontiffs, with a chief, were intrusted with the general superintendence of the religious constitution.[33] Three Flamens, or officiating priests, were appointed: one to the service of the Etruscan[34] Jupiter, another to that of the Latin[35] Mars, and the third to that of the Sabine[36] Quirinus; so that the principal gods of the three races united in the Roman had each his minister and his sanctuary.[37] The worship of Vesta, to whom the reputed mother of Romulus had been unfaithful, was instituted, as that of a goddess common to all the

[32] Plut., Num., 8. Cic., De Rep., II. 14.

[33] Id., ib.

[34] Etruscan, because Pelasgian. See Malden's History, pp. 108, 135. The god was called Dijovis; his Flamen, Dialis.

[35] Latin, according to the legend of Romulus; but more generally worshipped by many of the early people throughout Italy, at first as a rural rather than a warlike deity. See Hartung, Rel. der Röm., vol. II. pp. 169 *et seq.*

[36] Dion. Hal., II. 48. It was the same deity whom the Romans transformed into Romulus deified. Quirinus was also a surname of Mars and Janus.

[37] Dionysius (II. 64), and Livy (I. 20), both attribute the three priesthoods to Numa, in opposition to Plutarch, (Num., 7.) On the union of the various religions, see Wachsmuth, Alt. Gesch. Röm. Staat., pp. 217, 218; and cf. Ruperti, Alterth., vol. III. pp. 460, 461.

Tribes; her eternal fire being intrusted to the keeping of four virgins, chosen with peculiar care, and invested with peculiar sanctity under the name of Vestals.[38] Another order of priests was composed of Fetiales, charged with the declaration of war and the negotiation of peace.[39] The committal of such affairs to a single body is a conclusive proof of the uniformity to which the religious system was reduced.

How the priesthood was connected with the government appeared more distinctly in the matter of the auspices. The Auspex,[40] afterwards called the Augur, was the seer, through whose exalted knowledge the will of the gods was made known on earth. He might be an observer of the heavens, or of the flight and song of birds, or of any phenomena in animate and inanimate nature. But he was always the interpreter, according to whose report the battle was fought or delayed, the law accepted or refused, and the festival celebrated or postponed; while all domestic relations were more or less regulated by the signs which he studied and explained. Whether the office was introduced by Etruscans, or, as is more likely, by Latins, into Rome, it appears to have been adopted betimes. Tradition refers to Romulus himself the appointment of three Augurs for life, one for every Tribe, with whom he, as well as each of his successors, was joined as a colleague, making four in all.[41] The three, however, were probably the act-

[38] Plut., Num., 9, 10.

[39] Dion. Hal., II. 72. Cic., De Legg., II. 9.

[40] Plut., Quæst. Rom., tom. VII. p. 134. The Haruspex was a very different title, belonging to an inferior order of soothsayers.

[41] Cic., De Rep., II. 9. Liv., X. 6. "Romulus ipse etiam optimus au-

ing observers of the auspices; one or more of them being attached, as occasion required, to the magistrate or the assembly, to whom their assistance was commonly deemed indispensable. In some cases, indeed, the magistrate was able to take the auspices for himself. But it then remained for the Augurs to pronounce upon the validity of his observations; so that it was long the custom for the highest officers to have an Augur by their side, whose interpretation of signs celestial or signs terrestrial guided them in their levy, their onset, or their harangue. In short, the college of Augurs appeared to be a body through which the priesthood obtained the upper hand at Rome.[42]

All this, however, was but an appearance. The Augurs and the Fetiales, the Vestals, the Flamens, and the Pontiffs, were alike dependent upon the Patricians, from whom they were selected to discharge their respective services. Absorbed in conducting their wars and in settling their conquests, the mass of the Patricians were content to leave the merely religious offices in a few hands. They could not renounce religion, little as they must have revered it. For they could not have triumphed without some sort of faith on their part. They could not have ruled, without some sort of faith on the part of those whom they had subdued. The faith on both sides was that the immortals themselves

gur fuisse traditur." Cic., De Div., I. 2.

[42] "Et reges augures, et postea privati, eodem sacerdotio præditi, rempublicam religionum auctoritate rexerunt." Cic., De Div., I. 40. Compare the description in De Legg., II. 12, and that in Liv., I. 36. See, further, Eisendecher, Bürgerrecht im alten Rom, cap. 3.

ruled and battled for the Romans. But that this required an authoritative priesthood never crossed the minds of the Patricians. Their order was the government. Their priests were its servants. The Augur announced the will of the celestials. But it was to support the will of the warriors around him. The Flamen offered sacrifice to the immortals. But it was to enhance the glory of the mortals amidst whom he officiated.

The sanctity that did not attach itself to the priesthood passed over to the order from which the priesthood was filled. Not the laws of the priests, but those of the Patricians, pretended to more than human perfection. Numa himself professed to derive his knowledge from the divine Egeria. The law, regarding him as its original framer, imitated his example in assuming divinity. Not that the Patricians put forth their ordinances as those of gods. To do this, they must have been priests rather than warriors. But they regarded themselves as standing very near to the gods. The inspiration of the immortals breathed in their law. It was supported by the power of the immortals.

The civil institutions rose in becoming proportions. The whole body of Patricians was united in the Comitia Curiata, the assembly of the Curias. Each tribe was divided into ten Curias; each of the Curias into ten Gentes, or Names, as they may be styled, because they were formed of kindred names rather than of kindred families.[43] The Name was,

[43] "Ex multis familiis." Festus, s. v. Gens. Æl. Dionysius (II. 7) calls the Gens a Δεκάς, or Decade, in Latin, Decuria: though a Decuria

therefore, the first element in the constitution of the Roman state.[44] It may be called a corporation, inferior to that of the Curia, which, under the presidency of a Curio, exercised the more public charges for which it was created. So long as the Curia met alone, it was generally a body of citizens assembled for religious as well as for civil purposes.[45] But as soon as the Curias were joined together in their assembly, their religious functions disappeared in the political rights which they then assumed, each Curia throwing a vote in elections and legislation.[46]

From this assembly two other bodies appear to have been formed, one composed of Senators, the other of Celeres, or, as their successors were afterwards called, Knights. It does not appear that there was primarily any incongruity between the two to prevent the same individual from holding a place in both; although it is indubitable that the offices of one body were totally dissimilar from those of the other. One hundred Knights from each of the three Tribes, formed a company of cavalry, raised to do the state such service as swiftly moving horsemen

was, in later times, a military, not a civil, division.

[44] "Die Glieder einer Gens .... auch ingenui genannt wurden." Ruperti, Röm. Alt., tom. II., p. 12. See Festus, s. v. Patricios; Cicero, Topic., 6. As Hugo remarks, our word *gentleman* has some association with the old *gentilis*, the member of the Gens. Hist. Rom. Law, § LXX. It soon happened, however, as the freedmen and Plebeians came into existence at Rome, that there were *ingenui* who were not *gentiles*.

[45] "Ut in sua quisque Curia sacra publica faceret feriasque observaret." Festus, s. v. Curia. Hullmann (Röm. Grundverfassung, p. 3) calls the Curia a Landschaft, from χώρα or χωρίον; and it may have been that the Curias, in their meetings apart, had something to do with the secular concerns of their members.

[46] The laws passed in the Curias were called Scita Populi, "decrees of the people." Festus, s. v. Scit. Pop.

alone could perform in forays and campaigns.[47] It is something better than a conjecture, therefore, that these were the younger Romans.[48] Their Tribune, or leader, was the second personage in the city, ranking next after the king, by whom he was named.[49] On the other hand, the Senate was composed of the elder men,[50] of whom one hundred were appointed from the Ramnes,[51] and another hundred from the Sabine Tities;[52] the third Tribe having no representation for several reigns. The Prince or Chief Senator, receiving his appointment from the king, was, in the king's absence, invested with the government of the city;[53] the Tribune of the Knights being generally obliged to accompany the monarch to the field. But though the head of the Senators was inferior in consideration to the head of the Knights, on account of the military functions pertaining to the latter, the Senators, collectively, were far above the Knights. As the highest Patricians, they were the highest masters at Rome.

Thus was constituted the ruling class. First to appear amongst their subjects were the Clients.[54]

[47] Hence their name, κέλης, Æol. κέλητ, Lat. celer, Eng. swift. I give the etymology in full, because Niebuhr will have it that Celeres is a name for the whole body of Patricians. See, besides, Plin., Nat. Hist., XXXIII. 9. The number is from Liv., I. 13.

[48] Dion. Hal., II. 13.

[49] "Is autem erat qui Equitibus præerat, et veluti secundum locum a regibus obtinebat." Pomponius, ap. Digest., lib. I. tit. II., II. 15. See Ruperti, Röm. Alt., tom. II. pp. 111, 116.

[50] The Senes. Plut., Rom., 13.

[51] Liv., I. 8. Dion. Hal., II. 12.

[52] Dion. Hal., II. 47, 57. The second hundred were not immediately of equal dignity with the first, according to the same historian. II. 58, 62. The Decem Primi, or First Ten, belonged, it here appears, to the Ramnes.

[53] Dion. Hal., II. 12. Tacit., Ann., VI. 11.

[54] Their appearance at Rome has been connected with the opening of an asylum by Romulus. See Niebuhr, vol. I. p. 165.

Of these, each was obliged to take or to choose a Patrician for a patron, to whom he and his were bound in certain services considered to be requited by the protection of the superior.[55] Originally, there were probably no other subjects besides the Clients. But it could not have been long after the earliest victories, when the city was stocked with captives. Their reduction to bondage tended to improve the condition of the Clients from whom less menial duties would thenceforth be exacted by their patrons.

Romulus is said to have directed all arts and trades to be abandoned to the Clients.[56] It was a direction consistent with the love of dominion and of arms amongst the Patricians. But those were times when the warrior and the ruler found it necessary to be the laborer likewise. To Numa is ascribed an institution deserving more consideration. "Of all his ordinances," says the biographer, "the one dividing the people according to their occupations is the most remarkable." Over the toil despised amongst the ancient nations, Numa threw a mantle of honor by organizing colleges or guilds in which the different artisans of the nation were gathered with solemn forms.[57]

But the chain of submission was bound upon the lower classes. It extended from order to order, from grade to grade. Not by force alone was it riveted.

[55] There must have been a precedent for the law in the Twelve Tables. See the Æn., VI., 609, with Servius's commentary. "These virtues," says Mr. Mill, in speaking of giving and receiving protection, "belong emphatically to a rude and imperfect state of the social union." Pol. Econ., vol. II. p. 321, Amer. edit.

[56] Dion. Hal., II. 9, 28.

[57] Plut., Num., 17.

In the national character the reverence for law was closely attended by reverence for the ruler. To the same feeling the love of dominion and of arms conduced. Success upon the field or in the council was so dearly prized as to enshrine him who achieved it in the eyes of his peers, as well as in those of their and his inferiors.

The work of the founders may be said to have been completed when Numa consecrated his temples to Terminus and to Faith.[58] In the worship of Faith, the Patricians were bound to maintain their reverence for the ruler and for the law. In the worship of Terminus, the god of boundaries,[59] they stood pledged to maintain their love of dominion and of arms. The liberty to do all this was theirs. They were free to combat and to govern, free to make and to uphold their laws, free to elect and to uphold their rulers. In a word, the Romans were free to be the founders of a nation by which centralization might be extended over the earth.

[58] Plut., Num., 16.

[59] See a memoir Du Dieu Terme, by De Boze, Acad. Insc. et B. Lett., tom. 1. pp. 50 *et seq.*

CHAPTER III.

NEW COMERS.

"Herald of to-morrow's strife."

MOORE.

NUMA was followed by Tullus Hostilius. A fiercer warrior than he[1] had not yet appeared amongst the contending tribes of the Roman plain. In the wars which he aroused, Alba itself, the birthplace of Romulus, was destroyed, its inhabitants, or the greater number of them, being transported to Rome. The moment that this was done, the question arose concerning the relations of the new comers and the old.

It was a question of which the decision could be reached at once, so far as the Albans were concerned. Such were the associations between them and their conquerors, that they were readily admitted to the rights of Romans. Every Alban who sat in the Senate or served in the army lent strength to the state and dignity to its victorious members. In him was seen a ruler of a city illustrious for ages before the building of Rome. He had submitted to the

[1] "Ferociòr etiam Romulo." Liv., I. 22.

warriors of the younger city. Yet they could not hesitate to receive such new comers as he upon equal terms with themselves.

But there were others of the conquered whose reception into the conquering state was beset with many difficulties. According to the example set by older races, the Romans would have made mere captives of the vanquished, some being left where they were to till the ground or to people the town, while others were transported to Rome to discharge the laborious offices abhorred by their victors. Only in part did the Romans imitate the policy of preceding conquerors.[2]

When Ancus Marcius, the successor of Tullus, and the reputed grandson of Numa, was king, fresh conquests were made. No such inducements as had led to the admission of the Albans appear to have existed with regard to the Latins who were now subdued. They were comparatively alien, comparatively obscure; and had they met with the fate incurred by the vanquished throughout antiquity, they would have been put to the sword or thrown into bondage by the victors. It was the glory of Ancus Marcius to have reigned when the disposal of these Latins was made by the Patricians.

For from them was constructed the order of the Plebeians. Such as were not left in their former

[2] "Quid aliud," exclaimed the Roman Emperor, "exitio Lacedæmoniis et Atheniensibus fuit, quamquam armis pollerent, nisi quod victos pro alienigenis arcebant?" Tacit., Ann., xi. 24. See Dion. Hal., ii. 17.

homes were transported to dwelling-places upon the Aventine. There, without being invested with actual liberty, they were spared the degradation of actual bondage. With their slaves or their retainers, little was done except to make them the retinue or the property of the Romans. Only the rulers of the vanquished states became the freemen of the state in which they were incorporated.[3]

Nor were they freemen of the same degree with the Patricians. They contracted their marriages and therefore entered into their domestic relations upon unequal terms with the founders of the state. They held their possessions, which were of smaller amount, upon a lower tenure. Their political rights were still more limited. Indeed, it is doubtful if they can be said to have had any. But, personally, they were allowed to be, or to call themselves, free.[4] The liberty of Rome remained that of her warriors and her rulers. If the rulers were none but Patricians, the warriors were in part Plebeians. As such, they were freemen, however inferior to their conquerors.

The institution of the Plebeian order involved the rising state in difficulties. Collisions were unavoidable between the new comers and the old. Though the latter easily maintained the upper hand,

[3] Cic., De Rep., II. 18. Dion. Hal., III. 43. Liv., I. 33.

[4] None were considered to be wholly free, unless sprung of parents born, themselves, in possession of all the rights which freedom could convey. "Duobus ingenuis ortus." Liv., VI. 40. "Qui ab ingenuis oriundi sunt." Cic., Topic., 6. The Ingenuus was the real freeman. See ch. II. note 44.

the former were as easily induced to attempt to elevate themselves. A mist of angry feeling rose yearly, perhaps daily, between the Plebeian Aventine and its opposing hills.

But through the mist as through the sunshine which from time to time dispersed it, the resources of Rome were seen to have increased. The Romans felt that they were stronger. Their enemies were taught to share the feeling. A larger force was gathered for every foray; a larger army was prepared for every campaign. Nor was the addition to the energies of the people evident in time of war alone. The intervals of peace were crowded fuller with industry and with adventure. Fields were more thoroughly tilled. The simple trades of the period were more actively pursued. Beyond the city and the plain the sea was already reached. Ancus Marcius, under whom the Plebeians were organized, opened a port at Ostia.[5]

A new element of the Roman character appeared with the Plebeians. Neither they nor their descendants could forget the freedom which their forefathers had held. The determination of the Plebeians, in later times the great body of the nation, to recover their liberty, animated the whole national character. The love of liberty amongst the inferior freemen kept pace with the love of dominion amongst their superiors.

Meantime, there were collected in the increasing

[5] "Belli pacisque et artibus et gloria par," is the historian's eulogy of the monarch. Liv., 1. 35.

state a more numerous body of dependents and slaves. As there were two classes of freemen, so likewise it may be said that there were two classes of bondmen. One consisted of the Clients already mentioned, together with the scattered strangers not included amongst the Plebeians and the scattered freedmen not included amongst the slaves. The slaves constituted the second class of bondmen. The right to hold them in servitude was derived, not as with most of the ancient nations, from nature, but from the accidents of conquest or of purchase. None, therefore, were so low, theoretically, as to be deprived of the hope of liberation. As fresh supplies of slaves and of dependents were made in war, the earlier members of these classes would naturally clamber to higher places.[6]

Rome was building itself up with ruins.[7] But in being used to construct her dominion, they were raised above the earth on which they had lain. The Plebeians had been struck down by being conquered. But by being incorporated amongst the members of the conquering state they were lifted up again. The possibility of their rising higher suggests the strife of the morrow.

[6] "Servi autem vocabulum inde traxerunt, quod hi qui jure belli possent occidi, a victoribus conservabantur et servi fiebant, a *servando* scilicet *servi* appellati." Isidorus Hisp., Orig., IX. 4. So Florentinus, ap. Digest., Lib. I. Tit. V. 4.

[7] "Roma interim crescit Albæ ruinis." Liv., I. 30. So Minucius Felix: "Ita quidquid Romani tenent, colunt, possident, audaciæ prœda est; templa omnia de manubiis, id est, de ruinis urbium, de spoliis deorum, de cædibus sacerdotum." Octav., 25.

CHAPTER IV.

KINGS OF THE NEW COMERS.

"Regnare . . . . voluntate Plebis."

LIVIUS, I. 46.

THE dwellings of the Plebeians increased upon the Aventine. Thence, with augmented numbers, they descended to their daily duties in the Forum or upon the fields. But the more numerous they became, the less independent appeared their attitude in presence of their rulers. They were not without leaders to suggest or to attempt a change in their relations to the Patricians. But such as took the lead were men of the Plebeian order, destitute, therefore, of the authority required to command success. The great want of the Plebeians was that of leaders with the power as well as the will to act in their behalf.

This want appears to have been supplied from abroad. The light in the legends grows dim. But so far as can be seen, the next to reign at Rome were kings of the new comers. They were not, therefore, leaders of the Patricians, so much as of the Plebeians.

Tarquinius or Tarquin, the fifth king, came to

Rome from Etruria, in the reign of Ancus Marcius. He was reputed to be of Greek descent, while his Etruscan wife was said to be greatly skilled in the divination for which her people were celebrated throughout Italy. Thus armed at all points with knowledge of which the Romans had never yet attained the use, or even the idea, the stranger took them, as it were, by storm. Becoming, first, the friend and chosen counsellor of the king, he presently secured the favor of every rank amongst his new countrymen. Ancus bequeathed his children to Tarquin's care. Nor was it any violation of the trust which he had received, that the guardian became the successor of the father. For, as we have already read, the Curias elected whom they pleased to the throne, and Tarquin obtained their votes unasked.[1]

So runs the story. But there can be no hesitation in declaring it to cover some series of greater events whereof the history is gone. If Tarquin came as an adventurer, he must have brought with him a number of followers. If he came as a conqueror,[2] it must have been at the head of warriors who, like their leader, preferred the country which they vanquished to the one which they had left behind them. These are only suppositions. But they rest upon the fact that the reign of Tarquin was distinguished by great changes in the Roman population. A large

[1] "Regnum accipit ob industriam atque elegantiam." Flor., I. 5. See Dion. Hal., IV. 1; Liv., I. 34; Cic., De Rep., II. 20.

[2] As Müller says, in his Etrusker, Introd., cap. II. § 16; where an ingenious commentary will be found concerning both the Tarquins and Servius Tullius.

mass of new comers poured into the city, as warriors or as immigrants. Their natural allies were the new comers already settled upon the Aventine. With their aid the host of strangers triumphed. By the common consent of the new comers, both the earlier and the later ones, the leader of the latter was declared the king of Rome.

The first to be benefited by the new ruler were the chiefs of the new comers. The reader will have observed that the Luceres, the third Tribe of the three supposed to have been gathered in Rome, had not yet obtained an equal footing with the other two. The number of Vestal virgins devoted to the service of the goddess whom we have supposed to be the chosen patroness of Rome, was only four; two, that is, for each of the first two Tribes. So the Senate was composed of but two hundred members, half being taken from the Ramnes, and the other half from the Tities. Probably composed, at first of Etruscans, but afterwards of immigrants from various states, the Luceres had been considered quite as inferior to the higher Patricians as they were superior to the Plebeians. It belonged to Tarquin, as an Etruscan, to desire and secure the elevation of the Luceres. Two more Vestal virgins were accordingly elected in their name, while a hundred new Senators were appointed to be their representatives in the highest assembly of the state.[3]

[3] Fest., s. v. Sex Vestæ Sac. The name of the new Senators, though it may not have been immediately given them, preserved the memory of their later election. "Centum in Patres legit; qui deinde Minorum Gentium sunt appellati." Liv., I. 35. Dionysius (III. 67) represents Tarquin as having chosen the new Senators from the Plebeians.

But the inroads of Tarquin upon the old Patrician exclusiveness did not stop here. He doubled the number of the Knights, already increased from three hundred under Romulus to six hundred under Tullus; and, what is far more extraordinary, he appears to have made up the fresh six hundred of Plebeians, as well as of Patricians, whom he enrolled together in three new Centurias. The king's consultation with Attus Navius, a famous Augur, is in all the ancient chronicles; but the point of the story is varied.[4] "Come, tell me," said Tarquin, "if what I think of can be done." The Augur took his auspices, and answered that it could be. "I was thinking," returned the king, "that a whetstone could be cut with a razor." And in the presence of the king and of all the people, the whetstone yielded to the cut of the razor in the Augur's hands. So Tarquin succeeded in his purpose of completing the number of the Knights from the Plebeians. It was said, long after, that there was no cause for the Romans to repent the choice of a stranger for their king.[5]

The enfranchisement of the new comers was followed, or accompanied, by their civilization. Their chieftain came to them, through Etruria, from Greece. The latter, as we have read, was a land of warriors partially metamorphosed into citizens. Etruria was likewise in a state of transition. But its warriors were assuming a sacerdotal rather than a civil position. The legend, therefore, becomes historical in

[4] On the authority of Cicero, De Divin., I. 17. Cf. Liv., I. 36.
[5] Val. Max., III. 4. 2.

relating how the temple was constructed, and how the institution was devised under the sway of Tarquin and his Etruscan spouse. At the same time, the resources of the Romans, both at home and abroad, were again extended. So great an impulse had not been given to the nation as was produced by the last arrival of new comers with a king of their own.

Common report ascribed the death of Tarquin to the vengeance of the sons of Ancus, whose throne he had occupied. The tradition, arising, perhaps, from some attempt of the Romans to throw off the yoke of the stranger, is every way congenial to the still disturbed condition in which they lived. But the murderers seem to have failed in accomplishing any thing beyond the assassination. One of Tarquin's household, concerning whose birth and estate there is an inextricable confusion in the legends, but who distinctly appears to have been early renowned in war, obtained the royal power. It seems certain that his election, instead of being conducted according to the usual forms, took place without the appointment or the approbation of the Patricians. "He was the first to reign without their consent," says the old historian. "The favor of the Plebeians," he adds, "was the means by which Servius came to reign."[6] "It was all an intrigue," exclaimed the amazed Patricians and their descendants.[7]

[6] "Primus injussu populi (Curias) voluntate Patrum (Senate) regnavit." Liv., I. 41. "Se injussu populi regnare, conciliata prius voluntate Plebis." Id., I. 46. Cf. Dion. Hal., IV. 12; and Cic., De Rep., II. 21; where the Curias are described as having invested him afterwards with the Imperium.

[7] "Quasi precario." De Vir. Ill., cap. VII.

Intrigue or not, it was a revolution. No one could have proved a king of the new comers more decidedly than Servius Tullius. His first measures, like those of all other lawgivers in ancient times, were for the relief of the distressed. The poor were discharged from their debts, such as lay in prison being likewise discharged from their bonds.[8] Many were then endowed with lands.[9] Others of the lower orders, not needing relief from distress, were liberated from oppression. Some were raised to the offices which Servius instituted.[10] On the contrary, the old Patricians appear to have been actually oppressed. It is barely mentioned that they were removed from the higher ground, where their dwellings stood, to the lower districts of the city.[11]

The Patrician institutions were not directly assailed by Servius or his new comers. But the establishment of Plebeian institutions took place. The Vicus or Pagus[12] was formed after the likeness of the Name. The new Names were combined to form the Tribe corresponding to the Curia. Thirty Tribes, four for the city and twenty-six for the country, like the thirty Curias, were gathered in an assembly. Possibly, the Patricians had their places with the Plebeians in the Tribes. However this may have been, the new assembly was intrusted with regulating the most important of all the public affairs. For to the Tribes was committed the charge

[8] Dion. Hal., IV. 13.

[9] Id., IV. 9, 10.

[10] Id., IV. 25.

[11] Festus, s. v. Patricius Vicus.

[12] Vicus in town, Pagus in the country.

of providing for the military levies by assessing the Tribute, or general tax, upon the entire nation.[13]

The first institution in favor of the Plebeians was soon followed by another. A census having been taken of the Romans,[14] they were divided into new Centurias, each containing nominally one hundred freemen. The first were those of the Knights, eighteen in all. The three Centurias of Romulus, all, as will be recollected, of Patricians, with the three added to these by Tarquin, and composed in part of Plebeians, were left by Servius where he found them, at the head of the Census.[15] Twelve more were formed from the chief men of the state, undoubtedly the richest rather than the noblest, and, therefore, of Plebeian as well as of Patrician birth.[16] If the new Centurias, like the old, severally contained two hundred members, the whole number of Knights was now thirty-six hundred, each of whom received a horse and the means of its support at public charge.[17] The infantry was divided into five classes armed and equipped according to

[13] "Tribus appellavit, ut ego arbitror, ab tributo; nam ejus quoque æqualiter ex censu conferendi ab eodem inita ratio est." Liv., I. 43. Cf. Id. IV., 60; Dion. Hal., IV. 22. The best account, by far, of the Tribes is that by Niebuhr in his first volume. There is a concise article on the same subject by Dr. Brandes in the Jahrbücher für Philologie, Suppl., 1849.

[14] "Censum enim instituit, rem saluberrimam tanto futuro imperio: ex quo belli pacisque munia non viritim ut ante, sed pro habitu pecuniarum fierent." Liv., I. 42.

[15] Under the new name, however, of the Sex Suffragia.

[16] "Ex primoribus civitatis." Liv., I. 43.

[17] Or, more precisely, the support of the horse was defrayed by a tax on widows and orphans, of whom the Knight was supposed to be the defender. Cic., De Rep., II. 20. Plut., Publ., 12. Livy seems to make them belong to the richer classes only:—"Hæc omnia in dites a pauperibus inclinata opera." I. 43. The tax was repealed by Valerius Publicola. Plut., loc. cit.

their property; each class comprising a certain number of Centurias. These, again, were classified according to their composition, whether of Elders, from forty-five years upwards, or of Juniors, between the ages of seventeen and forty-five.[18] Of the five classes, the first contained eighty Centurias, whose members were severally worth one hundred thousand asses, and whose equipment was a complete suit of bronze armor. The second included twenty Centurias, distinguished from the first, in arms, by wooden shields and the absence of coats of mail, and in property, by being rated at seventy-five thousand asses or upwards to one hundred thousand. The third class, likewise of twenty Centurias, wore no greaves, and possessed from fifty to seventy-five thousand asses. The fourth, of the same number of Centurias, embraced those whose qualification was from twenty-five to fifty thousand asses, but whose arms were merely the pike and the javelin. The fifth class, of thirty Centurias, had only twelve thousand five hundred asses for their property, and only slings and darts for their weapons. Clients may have been enrolled with their patrons or by themselves; but it is not certain that they were at first admitted to the Centurias. Of the one hundred and seventy Centurias enumerated, the first one hundred and forty, or the first four classes, formed the Phalanx, that is, the main body of the army, there being four additional Centu-

[18] As a general rule, the Juniors served in the field, the Elders in the defence of the city.

rias of mechanics and musicians attached to the upper classes.[19] A sixth class contained, according to our best authority,[20] but a single Centuria of the Capite Censi, or proletarians, whose miserable fortunes barely entitled them to a place in the Census.[21] It is scarcely necessary to remark that there were many in Rome, such as the traders and the workmen, those called Ærarians, in addition to the slaves, who were not included in any way among the Centurias.[22]

The assembly of the Tribes was one of men who met to discharge their pecuniary obligations to the state. That of the Centurias was one of men who met to discharge their military duties.[23] In both, the preponderance lay on the side of the new comers, perhaps the most numerous, and taken all in all, the most wealthy of the Romans. Yet the change thus wrought in the constitution of the state is not to be exaggerated. Neither Servius Tullius nor any of his adherents could have intended

[19] The Accensi or Velati were in a Centuria taken from, not joined to, the fifth class, to act as a reserve and supply the places of the slain. See also Festus, s. v. Adscriptitii.

[20] Dion. Hal., IV. 18. Cf. Cic., De Rep., II. 22.

[21] As for the value of the as in modern currency, it is wellnigh impossible to make an accurate estimate. The latest writer of the history of Rome, Dr. Schmitz, reckons it at about three quarters of a penny. 100,000 asses were probably equivalent to near 2,000 of our dollars.

[22] On the various classes, as here described, reference must be made to Liv., I. 43; Dion. Hal., IV. 16 *et seq.*; Cic., De Rep., II. 22. I have consulted most of the modern writers on Roman history. See also Schultz, Staatswissenschaft der Römer, pp. 207 *et seq.*, and Zumpt's treatise Ueber Abstimmung des Römischen Volks in Centurial-Comitien.

[23] "Das gesammte Volk, welches sich gegen den Feind bewaffnen kann, und zwar nach dem Maasse in dem es sich zu bewaffnen das Vermögen hat, zum Antheil an der Herrschaft aufgerufen." Müller, Etrusker, II. 2. 12. Cf. Ruperti, Röm. Alt., vol. II. p. 67.

the elevation of the lower orders. The higher classes alone of the new comers were to be raised by the revolution. Amongst the Centurias, the first, in which the richest warriors were numbered, held the control over the rest. In the Tribes, the twenty-six of the country, occupied by the lands of the wealthiest proprietors, stood over against the four of the city, crowded with landless freemen.

But the excitement amongst the Patricians was not the less violent. It mattered little to them whether a larger or a smaller proportion of the new comers rose. They, the founders of Rome, had never intended that those whom they admitted to their city were to share in their authority. Little by little, the Patricians regained the ground from which they had been dislodged. The legends do not describe the reaction, but it can be conceived. Servius Tullius, in the very height of his renown, not only as the king of the Plebeians, but as the leader of both them and the Patricians against their common foes,[24] proposed to resign his power. The offer did not save even his life from the vengeance of the class whom he had attempted to humble. His own class do not seem to have struck a blow in his defence or in his revenge.

Yet no king of the Patricians succeeded. Tarquin, whom we suppose to have been their agent in assassinating Servius, was the son or the grandson of the first king of that name. He did not wait the consent or the opposition of the Patricians to

[24] Liv., i. 48, 60.

seize upon the throne,[25] which they must have designed either to overturn or to fill with one of their own number. Tarquin left no time either to the Patricians for remonstrance or to the Plebeians for exultation. Arming himself, he called the Romans of all classes to the field. Perchance their enemies had taken advantage of the recent disturbances to assail them. Perchance the king determined upon assaulting the surrounding states, merely to prevent fresh disturbances in his own domains.

At all events, the circle of conquest spread wider than it had ever done, including the people not only of the plain but of the mountains encircling Rome.[26] The king of foreign origin proved a greater conqueror than any of the Roman line.

Without and within, the walls of Rome looked down on changes. Abroad, the country was overspread with the ruins of a warfare that had now continued upwards of two centuries. At home, the Romans beheld the rising temple and the extending thoroughfare. Where a shepherd had once dwelt in his hut of reeds, a nation now assembled amongst palaces to hold its assemblies or to keep its festivals. In no respect, however, were there so striking alterations as in the numbers of the people. Instead of a few warriors with their dependents, one hundred thousand men, besides their clients and their bondmen, bore the Roman name.[27] To these

[25] "Ut qui neque populi jussu neque auctoribus Patribus regnavit." Liv., I. 49.

[26] Id., ib.

[27] The Census taken in the first year of the Commonwealth returned one hundred and thirty thousand citizens as capable of bearing arms. Dion. Hal., v. 20. Unless this includes the citizens of the states al-

results had the new comers and their kings conducted the state into which they were received.

The liberty of Rome was less changed than any thing else by the inroad from abroad. It remained as with its founders, the freedom of men in whom a love of arms and of dominion was mingled with a reverence for law and for the ruler. The new comers had brought in only the determination of larger numbers to obtain their share in the freedom of the smaller number preceding them. By this the nature was not so much altered as the extent of Roman liberty.

lied to Rome, it can scarcely be accepted as indicating the number of warriors even at the close of the Monarchy, when many could be counted whom a few months detached from their transitory allegiance.

CHAPTER V.

THE PATRICIAN REVOLUTION.

"Vennero a cacciare di Roma il nome e non la potestà regia."
MACHIAVELLI, *Disc. Sop. Tit. Liv.*, Lib. I. cap. 2.

BUT little liberty of any nature is said to have lingered under the sway of the second Tarquin. Surrounded by warriors, perhaps of foreign as well as of Roman race, and supported by the higher ranks amongst the new comers, the king braved all other classes. The lower orders, at the same time that they were deprived of their defences against distress and bondage, were forced to labor for the monarch and his adherents. On the other hand, the Patrician order, already humbled, is described as having been actually crushed. Some of its members were despoiled. Others were exiled. The chief of their number were openly or secretly executed. In such outrages passed the reign of Tarquin, surnamed Superbus, or the Proud.[1]

The legends of his oppression are interrupted by the story of Lucretia. She was the wife of Tar-

[1] Dion. Hal., IV. 43 *et seq.* Dion. Cassius, Frag. Peiresc., 23.

quinius of Collatia, a nephew of the king, and therefore a cousin of the king's son Sextus. This Sextus, already stained with blood and lust, became excited by the virtue rather than by the beauty of his kinswoman. Dishonored, but not disheartened, Lucretia summoned her husband and her father Lucretius to Collatia. They came with their companions, Valerius and Brutus, to hear from her own lips how the artifice and the violence of Sextus had prevailed against her honor. The tears with which she began seem to have ceased as she invoked the vengeance of her auditory. "Swear to me," she cried, "that my ravisher shall not go unpunished." And when they had sworn revenge, she stabbed herself in their presence.[2]

One of those who beheld Lucretia fall was a kinsman of the husband, and another nephew of the king. This was Brutus, a severe,[3] and, as sometimes described, a stolid man, who had lived impatient of his uncle's tyranny, yet in high office himself, as Tribune of the Knights. The first to draw the knife from its fatal wound, he held it up, and swore, by the blood upon its blade, to pursue Tarquin and his race from Rome, where "none," he cried, "shall reign henceforward!"[4] The three who listened to the vow repeated it at Brutus's dicta-

[2] Liv., I. 58.

"Il ferro acquistator di libertate
Fu la prima a snudar l'inclita donna,"—

exclaims the poetess Zappi, in lines which are neither womanly nor Christian. The inconsistencies of the story are exposed by Verri, in the Notti Romane, Nott. II. Coll. 6.

[3] "Festus says that Brutus, in old Latin, was synonymous with Gravis. . . . . It is very possible that its early signification, as a cognomen, may have differed very little from that of Severus." Arnold's Hist., vol. I., note on p. 104.

[4] Liv., I. 59.

tion, and straightway followed him to Rome. It was easy to fulfil the designs with which they were inspired; for the king was absent with his army, and Brutus, as the Tribune of the Knights, was next to the royal person in authority. Next to him, moreover, was Lucretius, as the Prince of the Senate.[5] The two addressed themselves, not to the partisans of the monarch, not to the new comers or Plebeians at large, but to their own body of Patricians.[6] Brutus, though connected with Tarquin's family on the mother's side, appears, on the father's, to have descended from one of the early generation of founders.[7] Lucretius, of the oldest Patrician stock, may have traced his descent from Lucretia, the wife of Numa, the second king. With such men, placed in such circumstances, the desire uppermost in their hearts must have been to see the Patricians rise against the new comers and their kings. To the proposal made by Brutus, that Tarquin and his house should be expelled forever, the Patricians responded with a zeal, says the historian, "becoming men and Romans."[8]

The reigns of the seven kings are recorded to have filled the space of two hundred and forty-four years. But of their chronology little remained besides the day when Rome was founded, the time when Servius Tullius was born, and the day which proved the last of the Monarchy, the first of the Commonwealth of Rome.[9]

[5] Tac., Ann., VI. 11. Liv., I. 59.
[6] Dion. Hal., IV. 75. Cf. IV. 84.
[7] He is expressly described as a Patrician in Dion. Hal., IV. 71, 81.
[8] "Quod viros, quod Romanos deceret." Liv., I. 59.
[9] It was called "Regifugium." Festus. Ovid., Fast., II. 685.

Near the close of the reign thus suddenly terminated, an embassy, consisting of the king's two younger sons and their relation, Brutus, was sent, as the story ran, to Delphi, for the purpose of consulting the oracle upon some recent prodigies by which the royal family had been alarmed. After fulfilling their mission, the sons of Tarquin, desirous, it seems, of learning to whom their father's power was destined to descend, asked information of the oracle. But when the answer came that he who first embraced his mother should reign at Rome, their companion, Brutus, pretended to fall by chance, and kissed the earth, the common parent of them all. The man thus eager to fulfil the condition imposed on the attainment of supreme dominion at Rome,[10] was the same who swore revenge over Lucretia's corpse, the hero of the insurrection by which the Tarquins were expelled.

The spirit of the leader became that of the movement which he directed. To the main body of the Roman people, the revolution brought but a change of sovereigns. It was a change for the worse with the Plebeians. Instead of having a king as much a new comer as any of their number, they were brought back beneath their old rulers, the founders of former days. To these alone was the change for the better. They were freed, and not only freed from being ruled, but freed to rule. Such a revolution may well be termed Patrician.[11]

[10] "Imperium summum Romæ." Liv. i. 56.

[11] So Vico: — "La Libertà de' Signori da' lor Tiranni, non già la Libertà del Popolo da' Signori." Scienza Nuova, lib. i.

CHAPTER VI.

THE PATRICIAN COMMONWEALTH.

"Penes principes tota respublica."

CICERO, *De Rep.*, II. 37.

THE Commonwealth succeeds the Monarchy. The Consuls, or, as they were called for sixty years, the Prætors,[1] succeed the king.[2] After rejoicing that he could thereafter write of "the free Roman people," the ancient historian confesses that they were subject to as absolute a government as ever.[3] The confession is the key to the mysteries of the Patrician Commonwealth.

The father of Lucretia held the office of Interrex.[4] At his summons the Centurias met to name the Patricians whom they would have for Consuls. Probably the Curias had already nominated their candidates, who were then submitted, for form's sake, to the larger assembly. Brutus, the avenger, and Tarquinius Collatinus, the husband of Lucretia, were

[1] In their capacity as generals. Göttling, Röm. Staatsv., 99.

[2] "Qui nunc regnant." Cic., De Legg., III. 2.

[3] "Liberi populi Romani. . . . . Libertatis autem originem inde magis, quia annuum imperium consulare factum est, quam quod deminutum quidquam sit ex regia potestate, numeres." Liv., II. 1. Cf. Plut., Publ., 1.

[4] Dion. Hal., IV. 84.

returned. Invested with their commission[5] by the Curias, and inaugurated in the Capitol by the Augurs,[6] the new magistrates gathered their lictors and convoked the Patricians to swear that no one should reign, no one, dangerous to their liberty, should even live at Rome.[7] The Consuls themselves took the oath of fidelity to the dominion of the Patricians.[8]

It was as Patricians that the Consuls ruled. A pleasant fiction of after days referred their title to the duty of consulting the good of their country.[9] The good of their country and that of their order to them were one and the same.[10]

As magistrates of the Patricians, the Consuls were subservient to the Senate of the Patricians. "The Senate," remarks an ancient writer, "was the body whereof the Consuls were the limbs. It was the deliberative power whereof the Consuls were the ready instruments."[11] At the altars the Senate

[5] The Imperium, that is, the military and judicial prerogatives of the office. "Summum imperium, summam auctoritatem, gubernacula reipublicæ." Cic., Pro Muren., 35.

[6] Dion. Hal., II. 6.

[7] Liv., I. 60, II. 1, 2. Dion. Hal., IV. 85.

[8] This afterwards became an oath of fidelity to the laws, and was exacted from all the Roman magistrates: — "Magistratum autem plus quinque dies, nisi qui jurasset in leges, non licebat gerere." Liv., XXXI. 50.

[9] "Dicti sunt ab eo quod plurimum reipublicæ consulerent." Digest., lib. I. tit. II. 2. "That their chief title," writes Sir Walter Raleigh, "might remember them of their place, which was to be always mindful of their citizens' welfare." Hist. World, Book IV. ch. 7.

[10] "Ollis salus populi" [the Patricians] "suprema lex esto." Cic., De Legg., III. 3.

[11] "Senatus, ut solidum corpus, immutabile erat; Consules, velut membra: Senatus, consilium et rerum deliberatio, Consules ad consulta peragenda parati." From a treatise De Augusti Progenie, 30. "For all authority," remarks a nearly-forgotten English writer, "was confined within the walls of a standing Senate, out of which two Consuls were chosen yearly; and so by turns they dubbed one another with a new kind of regality." Marchamont Nedham, On the Excellencie of a Free State, Introd., p. xviii., ed. 1767.

ruled through the Augurs.[12] At the tribunals and in the camps it governed through the Consuls.[13] The services of the latter were essential to the powers of the Senate. In all the public bodies the Consuls stood sentinels. As they presided in the assemblies, the Senate could interfere whenever an officer was to be elected, or a law was to be enacted. At the root of every branch of authority, legislative and elective, military, judicial, and sacerdotal, the Senate was to be found.

But there was a parent stock on which the Senate itself depended. This was the Patrician order. Not every member of the order shared in its supremacy over its officers and its subjects. One was too young in years. Another belonged to a family too recent in elevation. Many of the Patricians were but Plebeians, lately advanced above their former peers. The descendants of the founders, the higher and older Patricians, were they who held the dominion over all other classes. In founding the Commonwealth, they themselves had become founders.

Thus the founders reappear as the rulers of the Commonwealth. As its rulers, they were its actual freemen. Others, not being its rulers, could be but nominal freemen.

[12] The only part of royalty nominally abstracted from the consulate was the creation of a sacrificial king, Rex Sacrificulus, to preside at some of the public religious ceremonies. He was elected in the Comitia Calata, under the presidency of the Chief Pontiff, to whom he was subordinate. Aul. Gell., xv. 27. Liv., II. 1.

[13] The dignities of the office were attached to each of the two Consuls separately, for alternate months in the city or alternate days in the field. Dion. Hal., IX. 43. Liv., II. 1, XXII. 41. Sometimes it was otherwise. Liv., III. 70.

It presently appears how entirely the Commonwealth was under the control of a portion of the Patricians. Not only are some of the Plebeians seen repairing to the king in exile,[14] but many of the Patricians themselves are beheld engaging in a conspiracy to restore him to his throne. Amongst these conspirators were the sons of Brutus, and the nephews of his colleague, Collatinus. But the ruling faction was determined to maintain its supremacy. Brutus condemned his children to death.[15] The milder nature of Collatinus revolted at what he esteemed to be but barbarous obedience to his order. He sought to save his nephews, even after Brutus had sacrificed his sons. But the Patricians pronounced their doom, and Collatinus himself was forced to resign his consulship and go into exile.[16] The warning against a wavering service to the Commonwealth, that is, to its masters, was contained in the story of his humiliation.[17]

The name of Brutus, on the contrary, remained a watchword, so long as a Roman survived, of unshrinking devotion, not so much to the state as to the class by which the state was ruled. Fidelity to the order or to the party in which an individual might be enrolled, was the first duty. The second was fidelity to the Commonwealth. This

[14] Dion. Hal., v. 26.

[15] Liv., II. 5.

"Mudo terror al vulgo circunstante
Ocupa. Bruto se levanta y dice:
Gracias, Jove immortal, ya es libre Roma!"

LEANDRO MORATIN.

[16] Plut., Publ., 3, 7.

[17] Μηκέτι τὰ τῶν τυράννων, ἀλλὰ τὰ τῆς πόλεως φρονεῖν, "No longer to mind the interests of tyrants, but those of the state." Dion. Hal., v. 13.

was virtually the same as the first. Faithfulness to the Commonwealth was but faithfulness to the laws by which the dominant class had constituted the Commonwealth. Submission to the standard thus created was esteemed the highest duty of the Patrician. And so it was; for it was the only standard that had been vouchsafed to him. Brutus, therefore, did not delay an instant to judge and to condemn his offspring. They had broken their allegiance. He would have broken his, he thought, had he hesitated to order their execution.

Against the oppression thus established, there was what may be called a safeguard. The laws of one order were not the laws of another. The first would impose its laws upon the second. But the second had its own laws which inculcated resistance to those of the first. There was no security that the laws of the second order would be less burdensome or less obscure than those of the first. But they provided a safeguard against the utter subjection of the lower order to the higher. Thus the Plebeians obtained the courage to make head against the Patricians even when they were most completely subjugated.

The good of the lower classes was but little likely to be consulted at the foundation of the Commonwealth. There might be some relief to them in the overthrow of a monarch by whom they, as well as their superiors, had been abased. They recovered the few rights with which they had been formerly invested. In place of the possessions which they had lost, they were endowed with lands and stores that appear to

have belonged to the house of Tarquin.[18] But not until there had been repeated acts of independence or of insubordination on their part, could their rulers have consented to the measures that followed.

Publius Valerius, the spectator of Lucretia's death, was chosen in the room of the deposed Collatinus. Brutus dying not long after, in battle against the Etruscans, Valerius became the principal personage amongst the Patricians. He was of so just a character, apparently, that many of his order mistrusted his intentions towards them, or rather towards their inferiors, whose conduct, while it stirred some of the Patricians to wrath, persuaded others to a more liberal policy than had yet graced the government of the Commonwealth. Valerius was evidently one of the latter class. But to prove his devotion to his own order, as well as his generosity to the Plebeians, he ordered his lictors to adopt a ceremony by which his reverence for the Patricians was acknowledged before all men. When he entered the assembly of the Curias, the lictors, as he directed, lowered their fasces in token of his subservience.[19] Such a course towards the Patricians soon gained adherents to his course in relation to the Plebeians.

As soon as there were enough to follow, he led them into the assembly of the Centurias. There he proposed his laws. One granted the right of appeal "from a magistrate," as the phrase went, "to the people." The other forbade the election of any magistrate unless by general consent, at the same

[18] Dion. Hal., v. 2. Plin., Nat. Hist., xviii. 4.
[19] Plut., Publ., 10.

time providing more especial penalties against attempts to restore the fallen or to raise a new monarchy.[20]

The latter law requires no commentary; but the former would be unintelligible without one. Not only had the privilege of appeal to the Curias been in possession of the Patricians from time immemorial. It had also been possible, as it appears, for them, and perhaps for the Plebeians likewise, to appeal from one to another officer, military or judicial, during the kingly period.[21] The appeal to an assembly, however, was considered as much more important a right than the appeal to a magistrate as trial by jury is in comparison with trial before a single judge. It was the appeal to an assembly which the law of Valerius secured to the Plebeians, by allowing their recourse, either to the Centurias, or, as is much more probable, to the Tribes.[22] Either of these assemblies, if convened for a trial, would be presided over by the Quæstors of Parricide,[23] two especial magistrates elected by the Curias.[24] The operation of these laws, to be witnessed as we prosecute our history, will prove that Valerius deserved the name of the People's

[20] Plut., Publ., 11. Dion. Hal., v. 19. Liv., II. 8.

[21] The appeal to the assembly was called Provocatio; that to the magistrate, Appellatio, of which there is a later instance in Liv., III. 13. It may have been of later origin than above described.

[22] See references in note 20, and those in Niebuhr's notes 1177, 1178, vol. I. Göttling makes the appeal to the Centurias. Röm. Staatsv., § 100.

[23] Festus, s. vv. Quæstores, Parici. "Nam parricida non utique is, qui parentem occidisset, dicebatur, sed qualemcumque hominem," — after the law of Numa.

[24] Tac., Ann., XI. 22.

Friend.[25] The privilege that had been granted to the Plebeians was but "fair and moderate,"[26] as described by a later Roman. Yet it was enough "to give them confidence," says a foreign historian, "confidence in their freedom."[27] From that time, the memories of their early homes must have yielded to the hopes of the home which they had found in Rome.[28]

Meanwhile, there were darker events in the history of the Commonwealth.

Of the large number of subject or allied towns which an ancient treaty with Carthage[29] describes as having been in the dependence of Rome during the first months after the Patrician revolution, the greater part were soon in arms against their ally or mistress. Many joined their forces with those of the Tarquins, eager to humble the people by whom they had been conquered or in some way mortified. At the first opportunity, one third, at least, of the Roman Tribes themselves[30] returned to their older alliance or independence.

At the head of this movement against Rome was

[25] Publicola; which he obtained in consequence of his legislation. Liv., II. 8. He was the author of other laws. Id., ib., and Plut., Publ., 11, 12.

[26] "Æquo et modesto jure agitatum." Sallust., Hist. Frag., Lib. I.

[27] Βεβαίαν τε πίστιν ὑπὲρ τῆς ἐλευθερίας τοὺς δημοτικοὺς λαβεῖν. Dion. Hal., V. 19. "Gratæ in vulgus leges fuere." Liv., II. 8. See Id., II. 9.

[28] "E poichè in grado assai maggiore collocava ognuno la seconda patria che la prima; così naturalmente maggior' affetto e maggior' interesse concepiva ognuno per la seconda che per la prima." Maffei, Verona Illustrata, Dell' Ist. di V., lib. I. p. 88.

[29] Polybius, III. 22.

[30] Livy (II. 21) mentions the first increase from the number of twenty Tribes. Under Servius there had been thirty. It is probable that the lost ten were Etruscan.

Porsena, the Lars or prince of the Etruscan Clusium. Espousing the cause of Tarquin, Porsena collected a large force partly of his own countrymen, and partly of the exiled or revolted Romans. With these the enemies of Rome united from all sides, as if the whole neighborhood were rising against the seven hills. The day of trial was unclouded in the traditions of later years. A single Patrician, with two companions, was able to keep back the "long array of spears," as it pressed down from the Janiculum to the bridge leading into the very heart of Rome. Nor did "the hero of the river-side"[31] turn from the foe until the bridge had fallen and his countrymen stood safe on the other shore to welcome him from the waves.[32] But the bravery of Horatius Cocles, however much it was rewarded and extolled, could not foil the host which Porsena commanded. Neither was the resolution of Mucius or the virgin Clœlia[33] sufficient to avert the humiliating terms which the Patricians, worn and deserted, accepted from their conqueror.[34] Defeat, nevertheless, did not humble them beneath the king whom Porsena would have restored. While

[31] Ἀριστεὺς παραποτάμιος. Plut., De Fort., Rom., ed Reisk., tom. VII. p. 259.

[32] Every one knows Mr. Macaulay's gallant lay of Horatius; but the following lines from a sonnet by Arguijo, are not so familiar: —

"Oigo del roto puente el son fragoso,
Cuando al Tibre el varon se precipita
Armado, y sale de el con nueva gloria;
Y al mismo tiempo escucho del gozoso
Pueblo las voces, que aclamando grita:
Viva Horacio! de Horacio es la victoria!"

See Liv., II. 10, and Polyb., Rel., VI. 55.

[33] Mucius attempted to assassinate Porsena; Clœlia, one of the Roman hostages, escaped by her daring. Liv., II. 12, 13.

[34] "Dedita urbe." Tac., Hist., III. 72. Plin., Nat. Hist., XXXIV. 39. Dion. Hal., V. 35.

the Romans were holding out against Tarquin, his Etruscan allies sustained reverses in the southern country from which they and he were obliged to retreat together towards the north.

Out of thirty Tribes, but twenty remained to the Patrician Commonwealth. Of these twenty, all were more or less diminished in number, more or less afflicted in condition. There were sorrows in Rome for the loss of friends; sufferings for the loss of lands or fortunes; miseries for the loss of harvests and actual necessities; and to make up these losses, other miseries, other sufferings, and other sorrows were indispensable. Conquests, we may be sure, were not so easy,[35] nor were defeats so rare,[36] as the old historians, to whom the history they wrote was all a blaze of glory, most piously believed. The longer, too, the wars continued, the heavier were the taxes on the Tribes, while most men were daily in greater need of means to keep themselves and their families alive. For a little time, the poor could borrow from the rich. But the rich, likewise, were soon impoverished, and when they sought for payment of their loans, they could lay hold only on the bodies which had been pledged to them by their debtors.[37] If poverty, as the Roman of after times

[35] "Assidui vero et anniversarii hostes." Flor., I. 12. "Tumultus enim fuit verius quam bellum." Liv., II. 26.

[36] The narrative, in Livy (II. 16, 17), of the campaign against Pometia, a Latin town, but partly colonized from Rome, betrays the difficulties with which the armies of the Commonwealth were obliged to deal.

[37] Called Nexi or Addicti, in relation to their bondage; but of these terms the explanations are innumerable. If the Nexus and the Addictus were not one and the same, it is most probable that the debtor was Nexus when he pledged himself in

alleged, was the foundation of his country's greatness,[38] then was it already laid.

There was a wide difference in the afflictions of the higher and the lower classes. The Plebeian fell into bondage and despair. But the Patrician could not be imprisoned.[39] Neither could he be bereft of opportunities to repair his shattered fortunes. Successful battle would sweep up spoils and riches to those who stood upon the narrow shore. It was only beyond the reach of the tide that there was no hope of profiting by its flow. How easily the masters recovered from the effects of invasion, submission, and continued warfare, may be surmised from the fact that a Sabine chief, with five thousand followers, came at this identical period, to make common cause with the Patricians. As one of their number, he was received into the Senate under the name of Appius Claudius, while his retainers were enrolled in a new Tribe, called, after their leader, the Claudian.[40] The migration and the reception recall to view an order capable of bearing the brunt of heavier disasters than had yet befallen the Patricians.

Stung by the wrongs with which they thought

security for his debt, and Addictus when actually handed over to his creditor as a bondman. See an article in the Mém. de l'Instit., Ac. Scienc. Mor. et Pol., tom. v., 2e série, pp. 441, 469 *et seq.*

[38] "Ut populus Romanus pauperatem, fundamentum et causam imperii sui requirat ac laudet." Seneca, Epist., 87.

[39] Touching this, however, reference can be made only to a later law, Aul. Gell., XVI. 10.

[40] Plut., Publ., 21. Liv., II. 16. Dion. Hal., v. 40; where the manner of Clausus's election to the Senate is stated to have been made by ἡ βουλὴ καὶ ὁ δῆμος, i. e. "Senatus populusque Romanorum." The elections to the Senate were, as Livy (IV. 4) says, "post reges exactos jussu populi."

themselves repaid for their exertions and their calamities, the Plebeians began to show signs of restiveness. The Commonwealth was not theirs. Nor could they have had any present hope of making it theirs. But for their obedience as subjects they claimed some better return than was implied in the daily impoverishment and imprisonment of their number. The law of Valerius, authorizing their appeal from the Patrician magistrates, was set in operation. Had he been alive, or had his spirit descended to those surviving him, not only would the law have been respected, but the troubles that led to its frequent use would have been allayed. As it was, the Patricians determined upon paying no attention either to the troubles of the Plebeians or to the appeal by which they were endeavoring to secure redress.

One of the highest Patricians was nominated by the Senate, to be proclaimed by the Consuls and confirmed by the Curias, as Dictator.[41] The title assumed by him and worn by many of his successors was that of Master-Patrician.[42] Four-and-twenty lictors, with naked axes, were appointed to attend upon the new magistrate, whose authority was declared to be superior to all appeals as to all the prerogatives possessed by freemen of any class at Rome. The Patricians understood him, as he understood himself, to be appointed to do them service. The Plebeians comprehended that he was exalted to

[41] He was called Dictator, says Varro (De Ling. Lat., v. 14), "quod a Consule dicebatur, cui dicto audientes omnes essent." See Festus, s. v. Opt. Lex.

[42] Or, more exactly, the Magister Populi; *populus* meaning, as has been mentioned, the Patrician estate. Cic., De Legg., III. 3.

do them injury.[43] Another officer, selected by the Dictator to act in the capacity of his lieutenant, was entitled the Master-Knight.[44] Before the resolution evinced by these appointments on the part of the Patricians, the enemies abroad, as well as the seditious at home, are related to have bowed in fear.[45]

The supremacy of the Patricians was the corner-stone of the new Commonwealth. It appeared in all the public relations of life. One treasury, for example, called the Ærarium, belonged to the state. But it was wholly subservient to the Publicum, the treasury of the Patricians. The taxes demanded by the Senate were collected amongst the Tribes. But there was not a single impost to be laid by the Tribes upon the vast domains which the Patricians held of the state as its masters. The assemblies exhibited the same contrast between the Patricians and their inferiors. The Tribes met in the Forum, not then the hallowed ground, but the profane, abandoned to noise and trade. The Centurias gathered, with somewhat more reserve, in the Campus Martius, without the walls. But the Curias met in the Comitium, near the Forum indeed, yet quite separate, where the fig-tree beneath which the twins were suckled, and the spot from which Romulus was translated to the gods, suggested only the most majestic memories. A temple received the Senate within its walls, though the Senate was partly composed, as we have read, of Plebeians. But he whom the Patricians admitted to their Senate in the early

[43] "Magnus plebem metus incessit." Liv., II. 18.

[44] "Magister Equitum." Id., ib.

[45] Dion. Hal., V. 63 *et seq.*

times was, if we have any right to judge from analogies, bound, or willing to be bound, unhesitatingly to their behests. Besides, the new Senators were distinguished by an altogether different title from the old. They were the Conscripts of the Senate. Only Patricians were its Fathers.[46]

To be a Father was the same as to be a master. It was the title under which the supremacy of the Patricians extended from the public to the private relations of existence. None but a member of the great order could exercise the absolute power intrusted to the head of the household by the Roman or the Italian law. The Father alone lived "in his own right."[47] The wife and the child, as well as the client and the slave, lived "in another's right."[48] Except that the wife was authorized to appeal to the Fathers of her own house,[49] she was as completely in the power of her husband as if she had been bought instead of wedded.[50] Still more arbitrary was the authority of the parent over the offspring, whom he punished, sold, or murdered, as he pleased.[51] A son attained to his major-

[46] Hence Patres [et] Conscripti; finally changed to Patres Conscripti. Liv., II. 1. Festus, s. v. Qui Patres. Dion. Hal., v. 13.

[47] "Sui Juris." Digest., lib. I., tit. VI.

[48] "Alieni Juris." Ib., ib. The wife was subject to the Manus of her husband. The children and grandchildren (by the father's side) were under the Potestas or Potestas Patria of their grandfather and father. The ward, whether a minor, a woman, or a lunatic, was controlled by the Curatio or Tutela of the guardian. The slave was subject to the Dominium or the Potestas Dominica of his master. The emancipated child was held under Mancipium; the emancipated slave, like the client, under Patronatus.

[49] Tac., Ann., XIII. 32. Dion. Hal., III. 25.

[50] Plin., Nat. Hist., XIV. 14. Val. Max., VI. 3. 9. See an account in the same writer (II. 1. 6) of the Sacellum Deæ Viriplacæ, to which disagreeing couples could repair.

[51] See Dion. Hal., II. 26, 27, where the old historian gives way to un-

ity,[52] remained his father's bondman. Even if he had been formally emancipated, he could be reclaimed by adoption.[53] The power thus absolute in relation to one's own flesh and blood, belonged to none but Patricians. They were the Fathers of the household as of the Senate. To them the matrons and the children of their own order yielded submission. The obedience of the Plebeians was the more readily claimed.

The spirit of such usages and of such events as have been related is the standard by which we may estimate the liberty of the early Commonwealth. This liberty was the same in character as that of the later period of the Monarchy. But its extent was altered. For it was again confined to a single class. The founders of Rome were succeeded by the founders of the Commonwealth as the only freemen whom the Commonwealth or Rome would recognize. It seems as if a trial had been made to expand the narrow centralization of the times; but as if it had been made in vain.

wonted enthusiasm of expression. "Jus autem potestatis," says the jurist of a later time, "quod in liberos habemus, proprium est civium Romanorum. Nulli enim alii sunt homines, qui talem in liberos habeant potestatem, qualem nos habemus." Institut. Justinian., lib. I. tit. IX. 2. There is just a trace of some such exception as that in favor of the wife, being sometimes made in favor of the son. Dion. Hal., II. 15.

[52] The various periods of youth, as defined by the law, are of importance in connection with the subject of the paternal authority. One was of Impuberes, to the age of twelve or fourteen, according to the sex; the other of Puberes, to the age of twenty-five. Each period was subdivided into other two. After twenty-five, though a man was included in the Majores, as those above that age were called, he was still under his father's power, until it was dissolved by emancipation or by death. See a memoir by M. Pardessus, "Sur les différents rapports sous lesquels l'age était considéré dans la Législation Romaine." Acad. des Inscript., tom. XIII., Nouv. Série.

[53] Ulpian., ap. Digest., lib. I. tit. VII. 12.

At about the time when the second Tarquin was reigning, the philosopher Pythagoras was teaching in the south of Italy.[54] Tradition adverts to the early introduction of his doctrines into Rome.[55] There are certainly many points in the philosophy of the stranger to illustrate the Commonwealth of the Patricians.

Pythagoras, it was said,[56] left his native island of Samos, because it was governed by a tyrant, and came to Crotona, a Greek city in Italy. Collecting there a large number of followers from the most distinguished families,[57] his authority rapidly increased as his influence extended over all the higher classes of Crotona. It may then have entered into his schemes to make such changes in the manners, and, possibly, in the laws, of the state, as should prove his desire and his ability to be useful amongst his adopted countrymen. From the vestiges of his achievements as a reformer,[58] it appears that Pythagoras confirmed the aristocracy which must have previously existed in Crotona, by forming its principal men into a society or association. The conditions of initiation to this body were carefully designed in support of the discipline and the know-

[54] "Although the dates of his [Pythagoras's] birth and death are wholly uncertain," says Mr. Clinton, "yet all authorities agree that he flourished B. C. 540–510, in the times of Polycrates and Tarquinius Superbus." Fast. Hell., vol. II. p. 21.

[55] In connecting him with Numa. Liv., I. 18. "A ogni modo il Pitagoreismo fu più antico di Pitagora." Gioberti, Del Buono, cap. IV. p. 246, ed. Capolago.

[56] Diog. Laert., VIII. 3.

[57] Τοῖς πρωτεύσιν Ἰταλιωτῶν. Plut., Phil. cum. Princ., tom. IX. p. 108.

[58] Justin gives a glowing description of his authority and his works, XX. 4. Cf. Plato, Rep., Lib. X.; Val. Max., VIII. 15. 1, Ext.

ledge imparted to its members. It was especially enjoined upon them to exclude the uninitiated from their privileges; and the story is still to be read of one who was, at some time, expelled, and to whom a column was then erected, as if he had been dead, because he explained to others the precepts received by him.[59] The same spirit hardened the Patrician, at Rome, against the Plebeian. Nor was Crotona the only place where the policy of Pythagoras appears to have been established with his doctrines. It spread with them through various cities of Southern Italy, and advancing north,[60] perhaps in his lifetime, it arrived at Rome.

Pythagoras was the first, or among the first, to make metaphysics the basis of his doctrines. Though this was as insecure as the physical principles which had been the groundwork of other systems, it was able to bear some forms of higher wisdom. He spoke of the gods not only as interested in the affairs of men,[61] but as beings to whom his more intimate disciples could in some degree assimilate themselves.[62] The leading feature in his metaphysics was the Harmony that kept together and preserved the world. But Harmony itself grew out of Number, the mightier principle of the universe.[63] It is true that these were ideas straightway terminating in mysticism. It is also

[59] Αἰτιαν ἔχοντα γραψάσθαι τὰ τοῦ Πυθαγόρου σαφῶς. Clem. Alex., Strom., v. 9. Cf. Diog. Laert., viii. 15.

[60] Jamblichus, who wrote a life of Pythagoras in the beginning of the fourth century, mentions ἱερὸς λόγος, "a sacred book," circulated amongst the Latins. Cap. xxviii.

[61] Diog. Laert., viii. 22, 23, 32, 33.

[62] Plut., De Orac. Def., tom. vii. p. 627.

[63] Diog. Laert., viii. 25. So

true that the mysteries to which these ideas led, however fair outwardly, were wanting in all inward energies.[64]

But the philosophy is all the more fit to be compared with the principles which we are seeking to understand at Rome. The Patrician had his dreams like those in which Numa loved Egeria.[65] But from converse with the deity, the Patrician, like the philosopher, returned to the world that alone seemed unchangeable and indestructible.[66] To Pythagoras, the Number of which he discoursed was not only a human, but a Divine Unity, breathing in the soul of man and in the petals of the flower, for ever One, for ever Equal and Steadfast.[67] To the Roman, the order of which he was a member possessed claims to more than mortal majesty. It was the centre of his affections as truly as it was the source of his laws.

The accounts concerning the travels and the studies of Pythagoras bring out his philosophy still more distinctly as the type of Rome. From Greece to Egypt, from Phœnicia to the remoter Orient, he drew the elements of which his doctrines were com-

Æschylus, in the Prometheus, calls Number ἔξοχον σοφισμάτων, "the loftiest of inventions."

[64] Jamblichus (Vit. Pyth., cap. XXVIII.) relates that, as a shepherd was one day watching his flocks, he heard a hollow voice seeming to issue from a tomb near which he passed, and asking only what sort of harmony it made! Cf. the story in Cic., Tusc. Quæst., v. 3.

[65] So Keble, in the Christian Year: —

"As little children lisp, and tell of heaven,
So thoughts beyond their thoughts to those high bards were given."

[66] Stob., Ecl. Phys., I. p. 418, cited by Ritter and Preller, Hist. Phil. Gr. Rom., § 108.

[67] Ὁ ἀγεμὼν καὶ ἄρχων ἁπάντων θεὸς εἷς ἀεὶ ἐών, μόνιμος, ἀκίνατος, αὐτὸς αὐτῷ ὁμοῖος, ἄτερος τῶν ἄλλων. Philol., ap. Id., ib., § 106. See Cic., De Nat. Deor., I. 11.

posed. Into his domain were reduced all sciences, all speculations; and from their ruins his system appeared to rise, alone independent, alone complete.[68] In the same manner were the ancient nations destined to furnish the materials of increase to the Patrician Commonwealth.

Centuries after the times of which we have been reading, Cicero went to see the place at Metapontum where Pythagoras died.[69] The authority of the sage and his followers, having lasted in Crotona near twenty years, was overthrown, when all the most distinguished of the association were either put to flight or slain. A downfall so decisive could have been caused only by the stubbornness with which the large proportion of the people had been denied admission to the school or to the government in the possession of the Pythagoreans.[70] Within the interval from the death of Pythagoras to the visit of Cicero to Metapontum, not only had the Patricians been obliged to give way to the Plebeians, but both the estates were falling, with broken spirits and in much diminished numbers, beneath the despotism prepared by years of conquest, corruption, and civil wars. The Roman may well have asked himself, as he stood where Pythagoras died, whether the principles of the philosopher had not been proved to be better than any which had arisen through the intervening period.

[68] See Ritter's Hist. Anc. Phil., Book IV. ch. 1.

[69] He writes of his eagerness to see the spot:—"Scis me Metapontum venisse, nec ad hospitem ante devertisse quam Pythagoræ ipsum illum locum, ubi vitam ediderat, sedemque viderim." De Fin. Bon. et Mal., v. 2.

[70] See Müller's Dorians, vol. II. p. 187, Eng. trans.

BOOK III.

PERIOD OF INCREASE.

A. C. 499–137.

"Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep, and shaking her invincible locks."

MILTON, *Liberty of Unlicensed Printing.*

BOOK III.

PERIOD OF INCREASE.

CHAPTER I.

PLEBEIAN PROSPECTS.

"What is the Third Estate? All. What has it been in our form of government? Nothing. What does it want? To become something."

CARLYLE, *French Rev.*, vol. I. p. 145.

THE seal of centralization had been set on Rome. Its liberty, both as a right and as a possession, was in the hands of the few. The many were held in subjection.

The Plebeians were the more depressed in the Commonwealth, on account of their elevation in the later period of the Monarchy. To the movement which Tarquin originated, and which Servius Tullius carried forward, had succeeded the reaction of which Brutus and his Patricians were the leaders. The depression of the Plebeians appeared, for the moment, to be irremediable.

But it was not so. Whatever the Patricians

might resolve, whatever the Plebeians themselves might fear to resolve, there was a necessity to which the lordliness of the one order and the submissiveness of the other, would be soon compelled to yield. This was the necessity of increasing the body of warriors.

All around the city lay foes alike of the Patricians and the Plebeians. Only a strip of territory, extending along the banks of the Tiber from Crustumerium, five miles on the northeast, to Ostia, sixteen miles on the southwest of the seven hills, bore the Roman name. Even these narrow domains were held with difficulty by a people whom the Etruscan Porsena had recently deprived of arms.[1] Yet unless their lands were not only preserved, but likewise extended, the Romans stood in danger of fresh calamities. Nothing was more apparently necessary at Rome than that the number of warriors should be increased. But to increase the warriors, it was indispensable to increase the freemen. The heroes foremost in the past had been the Patrician freemen. If there were to be heroes for the present, they must be in part Plebeian freemen.

The Plebeians, though not yet actual freemen, already constituted the mass of the nation. They were as truly the people, less the Patricians, as was the Third Estate of France the people, less the nobility.[2]

[1] According to Pliny's account, that the Romans were forbiden the use of iron except in agriculture. Nat. Hist., XXXIII. 39,

[2] "Plebis appellatione sine patriciis ceteri cives significantur." Gaii Instit., I. § 3. "Plebes autem est præter patricios." Festus, s. v. Scitum, "Plebs autem," says Isidorus (Orig., IX. 4), "reliquum vulgus sine senioribus civitatis."

It may be seen what the Plebeian prospects were. They opened with the contest between the Patricians and the Plebeians dating from the defeat at the Regillus of the last force which the exiled Tarquin brought against his former subjects.

There were reasons why the prospects before the Plebeians should seem encouraging. The Patricians were their masters. But there was no impassable barrier between the inferior and the superior. Both came from the same races, the same land. The Patrician was one of a band of herdsmen who had founded Rome. The Plebeian was one of a band of emigrants who had peopled it.[3] If he and his comrades had been brought in as captives, they did not lose the memory or the desire of independence. The Plebeian had his love of liberty, as the Patrician had his love of dominion. In other words, the Plebeian wished to rule as well as the Patrician. There was no barrier, consequently, between the two, from want of spirit on the lower side.

Yet the prospects of the Plebeians were often discouraging. The great trouble with both them and the Patricians was the obligation to meet the public taxes. But the Patrician suffered much the less. Besides his private domain, he had his portion of the public lands exempted from all but nominal assessments. The Plebeian had only a meagre plot of ground from which to provide for the wants of his rulers as well as for those of his household. If he was the proprietor of a larger estate, he did not

[3] "Pastorum" is one order; the other, "convenarumque plebs." Liv., II. 1.

escape the embarrassments of his poorer brethren. Like them, he was obliged to pay his tax for every rood of soil which he possessed. Like them, he was compelled to surrender himself whenever his liabilities could not be discharged. Taxation might lead both the Patrician and the Plebeian to debt. It could drive only the Plebeian into bondage.

This was the darker of the prospects before the Plebeians. There was the brighter prospect of casting off the chains that weighed them down. Which of the two prospects was realized we shall soon discern.

CHAPTER II.

MONS SACER.

"Plebi re non verbo danda libertas."

CICERO, *De Legg.*, III. 10.

SOME thirteen years after the foundation of the Commonwealth,[1] Appius Claudius and Publius Servilius were elected Consuls. The one was the Sabine, the stranger turned into the Patrician, and so bitter an adversary to the Plebeians that his name is continually taken by the historians to represent the animosity of the higher against the lower estate. The other, Servilius, a man apparently of humaner disposition, was weak and irresolute, as if he doubted whether it were right to show any favor to the Plebeians. Between the two together, the Patricians were likely yet to have their way.[2]

An expedition against the enemies, growing more numerous with the troubles in Rome, introduced the year of the new consulship. The first campaign was hardly over, when the Senate met to

[1] In September of the year A. C. 496. The year is the more uncertain date of the two.

[2] Sallust (Hist. Frag., lib. I.) tells the whole: — "Dein servili imperio patres plebem exercere, de vita atque tergo regio more consulere, agro pellere."

appoint fresh levies for another. This may have been thought a politic precaution against the disorders within, or a necessary protection against the hostilities without the walls. While the consultation in the Senate was going on in the usual spirit, with little reference to the needs or the desires of the people, a crowd stood waiting and murmuring in the Forum. It was composed, in great part, of men who knew, by sad experience, the burden not only of defeat, but of victory; and many a melancholy tale of sufferings experienced or witnessed would be repeated.

Suddenly an old man, shouting for assistance, appeared in the midst of the throng. Of pallid countenance and sunken eye, his face half hid in matted hair, while torn and filthy clothes hung on his limbs, he seemed too miserable to be a Roman. But some of those pressing round recognized him as a Centurion of good descent and of better fame. In turn, they shouted to know the cause of the change that had befallen him since he stood at the head of his company, a gallant leader in many a campaign. He bared his breast to show its scars; then fixed his haggard eyes on the bystanders, and, with frantic air, related a story that could have been told only amongst men whose liberties were much abused. He was well born, he said, and had possessed a decent property, as they who knew him would attest; while his wounds were sufficient proofs of service and suffering in behalf of his country. But times, as all men were aware, became hard. Armies had been marching through his field. His

little stores had been swept away or else expended. At last, his patrimony had gone to give his children food and to pay the taxes of the Commonwealth. But as he grew poorer, the taxes seemed to grow heavier and his children hungrier; until, after all was sold, and all borrowed that could be, the day of payment came, when he had nothing to pay or to restore. He and his two sons, he cried, were then declared to have forfeited their freedom; and all three were dragged into the dungeon or slave-house of their creditor. What he had since undergone would never be believed, unless he showed the marks that he would rather hide for shame.[3] The multitude heard his broken voice and beheld his premature infirmities with the compassion easily stirred amongst a crowd. But when he drew from his back its covering of rags, to show the wounds inflicted by the lash, it was a sight too piteous to wake sympathy alone.

It flashed upon the minds of those who stood there in the Forum, that the misery which they witnessed in the old Centurion, and which they, also, were enduring or fearing, might yet be averted. A great clamor began, soon spreading through the city, as the Plebeians hurried from all sides to join their brethren, and strike while the iron was yet warm. On the other hand, the Senators hastily separated, after sending their Consuls to stay the tumult which had unexpectedly arisen while they were taking counsel, as though they had been the only

[3] The story is from Liv., II. 23; Dion. Hal., VI. 26.

inhabitants of Rome. The crowd, however, demanded, with unwonted resolution,[4] that the Senate should come together again. Appius, the Consul, fled from the Forum, but broke in amongst the Senators to propose, as if he were their bravest champion, that the populace should be put down by violence. His colleague, not fearing the crowd, had gone about beseeching every one to wait calmly for the justice which was sure to be given. He now came into the Senate to advise a moderate course towards the excited multitude. The broken story seems to fail; and the Senate, as well as the insurgents, appear to have separated without prevention, on the one hand, or increase, on the other, of the sedition.

On the next day, the crowd collected more numerously in the Forum. The Plebeians from the country, unable to reach the city until some time after the outbreak for which none had been prepared, came flocking into the town. Hardly had the first vociferations been raised amongst the multitude, ready, at that moment, in spite of their long submission, to dare almost any thing, when some Latin horsemen rode up, asking where the Senate were assembled. Directed to one of the temples near at hand, they hastened on to inform the Senators that an armed force of the Volscians, marching to attack the city, was already close to the Roman boundaries. The Patricians, regarding the sedition within the walls as a very light matter, or, at

[4] "Multo minaciter magis quam suppliciter." Liv., II. 23.

all events, expecting the populace to forget their grievances on being called to arms, hastened homewards to equip themselves, never doubting that their example would be imitated. But the Plebeians stood still in the Forum. Some pointed to the chains which they yet wore as bankrupt debtors, crying out that they had nothing else to defend against the invaders. Many more exclaimed that it was better to be conquered or slain, than to live with hands tied and bodies bruised like theirs.

Nevertheless, the wrath of the multitude was soon appeased. At the proposal of Servilius, or of some wiser Senator than the rest, the Senate was persuaded to summon the bond as well as the free to enlist, under the pledge that none who enlisted should be liable for any debts during the campaign. It was also promised that the injuries whereof complaint was made should be examined and repaired at the end of the war. The Forum, just before swarming with an angry populace, now seemed to be filled with orderly and willing soldiers. All gave in their names, and to all, promiscuously, the usual oath of fidelity was administered as rapidly as the words could be dictated and repeated. Servilius put himself at the head of the army, and set out at once to meet the invaders, who were instantly routed and repelled.[5]

The booty of the camp wrested from the enemy, and of the town afterwards taken in their territories, was divided amongst the victorious sol-

[5] Liv., II. 23–25. Dion. Hal., VI. 27–29.

diery. For the first time, apparently, the lowest ranks of a Roman army had something to carry home with them from war, though there had been but a week's campaign. Servilius claimed the usual honors of a triumphant general; but Appius is said to have persuaded the Senate to deny his colleague's demand. Any of the party whose opinion was expressed by Appius Claudius would have maintained, with him, that the decree about the debtors at the beginning of the campaign, and the subsequent division of the spoils, were too atrocious violations of all precedents to permit the triumph of their author. Servilius was, for the moment, a man of energy. He called the Centurias into the field of Mars, and laid his claims before them. They were in part the same soldiers whom he had commanded, and as the question lay between one faction of the Patricians and another, rather than between the Patricians and the Plebeians, the Centurias made no difficulty in setting aside the Senate's refusal, and authorizing the Consul to triumph. Accordingly assuming the triumphal robe, he was conducted through the city to the Capitol by a shouting multitude.[6]

If the Plebeians thought themselves triumphing as well as the Patrician Consul, they were shortly undeceived. Again drawn abroad in arms, they were received, on their final return, with an edict from the Consul Appius, commanding all debtors to give themselves over to their creditors. The

[6] Ὑπὸ τοῦ δήμου παντὸς προπεμπόμενος. Dion. Hal., VI. 30.

troops appealed to Servilius. He was cold or cowed, and his own name was soon added on the edict to that of his colleague. The victims, with whom the city seemed at least half peopled, made a show of resistance. Obedience, however, was more natural, and the poor surrendered to the bondage which they had ceased to fear for the week past.

The consular year drew near its close. It was marked by another dispute between the Consuls for the honor, then dearly valued, of dedicating a temple lately built to Mercury. The Senate, after hearing their claims, referred the question to the assembly of the Curias, by whom it was determined that the temple should be dedicated neither by Appius nor by Servilius, but by a certain Centurion. This was not so much out of respect to him, the historian says, as out of disrespect to the Consuls.[7]

The decision of the Curias exposes the temper of the Patricians who formed the Assembly. Most young men, many of the more recently elevated Patricians, and some of older date, were undoubtedly of the same mind with Appius. Like him, they would have crushed every effort of the Plebeians to encroach upon the ground which they themselves occupied. The saying of the Patrician, that the Senate was the soul, and the Plebeian order the body of the state,[8] was undoubtedly the

[7] Liv., II. 27.

[8] Dionysius ascribes it to Appius Claudius. v. 67. Read the first scene of Shakspeare's Coriolanus; or those bitter words about the Plebeians in the third act:—

"I would they were barbarians (as they are,
Though in Rome littered), not Romans (as they are not,
Though calv'd i' the porch o' the Capitol).

expression of other men belonging to the higher class, who drew the same strange inference, that the body should be mortified and injured.

Another party, so much disposed to thwart the Plebeians as to be indignant at the part which Servilius had temporarily taken in their favor, was nevertheless of the belief that their seditious temper had better be left to die out as suddenly as it had been inflamed. The Patricians of this stamp would have opposed any extreme measures, not, perhaps, from humanity, but in the conviction that a light matter would only be made serious by too rigorous a treatment. There were, besides, a few moderate men, who, like Valerius, thirteen years before, would have done some justice to the lower estate. They might never have sought to elevate it; but they seem to have been desirous of securing it from degradation. Such a party as this third one was probably composed of the elder Patricians, or more generally, of those who were able to trace their descent to the earliest members of their order. The existence of a liberal spirit amongst those who have the best excuse for being illiberal is usually to be relied upon. The second and the third party may have often combined.

But it must not fail to strike the reader that the account here offered is to be accepted only so far as it makes the narrative more comprehensible. It was the fixed purpose, or, if this be too strong a phrase, the natural bent, of the Patrician to keep his class and that of the Plebeians exactly where the two already were. Different views of the rela-

tions existing between the two orders led to different parties amongst the Patricians. But they were all united in asserting that these relations, as they were respectively understood, must be maintained.

Aulus Virginius and Titus Vetusius, neither being of much note or of any apparent energy, succeeded to the retiring Consuls.[9] The Plebeians, or that part of them who had not yet fallen into bondage, grew more unruly. They even went so far as to meet by night upon the Aventine or the thinly inhabited Esquiline, as if to prepare for the events of the day in the Forum. On the other hand, the Patricians, angered at hearing such things, reproached the Consuls for allowing the populace time to think of sedition.[10] The great resources of ancient governments in the season of any embarrassment were festivals or wars. As the magnificent procession or the stirring game was not so easily started, an enlistment or a march was more commonly resorted to in allaying the early commotions of Rome. The Consuls, accordingly, when urged to put a stop to the nocturnal gatherings just mentioned, summoned the Plebeians to arms.

But though the men liable to military service were called by name before the consular tribunal, not one answered. From the crowd around there issued outcries, boisterous and repeated, that the prisoners must be set at liberty before any new battles could be fought for the Patricians. This refusal to enlist was more stoutly maintained than

[9] Sept., A. C. 495.

[10] "Otio lascivire plebem." Liv., II. 28.

that which had been diverted, the year before, by promises not yet fulfilled. Even the Consuls hesitated. But bidden by many Patricians to do their duty, they commanded one whom they saw in the throng, to be called again; and as he stood motionless, he was ordered into instant custody. Down strode a lictor to seize the offender. But he was driven back; and when some of the Patricians rushed in amongst the people, they, too, were resisted as boldly as the lictor. A serious riot would have ensued, had not the Consuls interfered; but on their abandoning the levy, more noise ensued, says the historian, than any actual harm.[11] The actual good, however, that ensued, was the discomfiture of the more violent Patricians.

Whether it was to regain the mastery over the Plebeians or whether the old pretext of dangerous enemies was now a reality, it was determined, after long and uncertain deliberations in the Senate, to appoint a Dictator. The parties of the Patricians proposed each a different line of conduct, and a different candidate to carry it out. But the more moderate voices prevailed,[12] and Marcus Valerius, a brother of the People's Friend, was invested with absolute authority to remedy the evils externally and internally imperilling the Commonwealth.

Valerius was an old man, but one of generous heart. His name, ennobled by the liberality of his brother, awakened almost universal confidence. He immediately commanded proclamation to be made

[11] Liv., II. 29. [12] Id., II. 30.

that he would hold a levy, and that they who enlisted under his orders should be respected in person and protected in family and property. It was the same promise that Servilius had made in the preceding year. Valerius, however, was not only much more powerful as a magistrate, but much more trusted as a man; and they who were busiest with projects, passions, or fears, laid all aside to swear fidelity to the Dictator and to follow him against the foe. Ten legions[13] were almost instantly enrolled, forming the largest army that the Commonwealth had ever sent forth to battle.[14] Indeed, it was safely divided into three different bodies, of which the most numerous was led by Valerius, the remaining two being separately commanded by the Consuls. The three expeditions were completely successful; and the Dictator returned to triumph with unusual honors.[15]

Valerius, like his namesake, was one of those men, too few for the greatness of Rome, who knew that some other service could be rendered to their country besides raising her forces or fighting her battles. The chief fruit of his recent victories was the conquest of Velitræ, the modern Velletri, from the Volscians. Thither were sent, according to the Dictator's proposal, a large number of the poorer Romans to have their portion in the town and the adjoining territory,[16] which they, in return,

[13] The number (from Dion. Hal., VI. 42) may be exaggerated, if his account be true, which makes the legion a body of 4,000 foot and 300 horse.

[14] "Quantus nunquam ante exercitus." Liv., II. 30.

[15] Liv., II. 31.

[16] According to the language which Dionysius (VI. 44) attributes to Valerius.

as soldier-colonists, would defend against the enemy. The debtors and bondmen took heart at such a proof of interest in their behalf; but when the subject of their relief at large was brought by Valerius before the Senate, it was met with inflexible opposition. He spoke as became him:—"I do not please you, Senators, because I am for peace. But take my word for it, ye will soon wish the Plebeians had more such advocates as I. For my part, I will neither any further disappoint those whom I call my fellow-citizens, nor will I, on my own account, be a Dictator unable to do what he desires."[17] The noble old man resigned his authority. Whatever use he might have continued to make of it would be in vain, as he knew, unless acceptable to the Patricians. The Plebeians understood him; and when he came forth unattended from the Senate, they followed him home with praises and grateful acclamations. It was, on his side and on theirs, a day of moderation and of courage.

The legions which had served under Valerius were disbanded, as usual, after his triumph.[18] But the six others assigned to the Consuls were still under their command. In order to keep them together, and to detain them from the city, where disturbances were now beginning to be dreaded by the Patricians, the Senate instructed the Consuls to lead their armies farther in pursuit of the enemy already conquered.

The common soldiers saw through the design;

[17] The address is longer in Liv., II. 31.

[18] Dion. Hal., VI. 43.

and in seeing,[19] they knew that they were feared. At the orders of the Consuls, they set out together and pitched their camp by the river Anio, at no great distance from Rome. But there were some amongst them resolved upon an enterprise, long before, perhaps, suggested and prepared. In the evening time of rest and uninterrupted intercourse among the men, the word was probably passed from station to station, that all true Plebeians must leave the Patricians where they were and find another camp for themselves. Some hesitated. Others, preferring the name of mutineers to that of deserters, proposed to slay their officers. Yet when the hour came they all marched forth in arms, silently and without bloodshed. One of the old historians says that they had no actual leader, but that they were urged to desertion by a certain Sicinius.[20] Another, with greater probability, mentions several leaders of whom the same Sicinius was the principal.[21] There could have been no want of counsellors or captains; but however guided, the seceders, as they called themselves, kept together and took possession of a fortified[22] hill, three miles from Rome, beyond the Anio.

The Consuls and the subordinate officers, as well, doubtless, as many Knights and Patricians of the army, hastened after the troops by whom they were deserted. Coming to the hill where their men were

[19] "Quo facto," as Livy remarks, "maturata est seditio." II. 32.

[20] "Sicinio quodam auctore .... sine ullo duce." Liv., II. 32.

[21] Λοχαγούς τε ἑτέρους, καὶ περὶ ἁπάντων ἄρχοντα τὸν Σικίννιον ἀποδείξαντες. Dion. Hal., VI. 45.

[22] As appears from the account of Tullus Hostilius's campaign. Liv., I. 27.

encamped, they began to upbraid or to cajole, never doubting, apparently, that a few words would be enough to bring back the deserters. But Sicinius is said[23] to have interrupted them. "How have ye the heart, Patricians," he exclaimed, "to call back men whom ye yourselves turn into slaves or exiles? How will ye give us faith in promises so often broken as yours have been? If ye wish the city to yourselves, go hence unhindered; but for us, our country shall be that where we can find liberty." The Consuls and their companions, daunted by so much resolution, rode off to Rome.

The joy of the Plebeians, on receiving news of the secession, was far greater than any alarm that could yet be felt amongst the Patricians. Perhaps the first misgivings were those of the families whose fathers or children were away upon the hill, embarked in an undertaking never before attempted, and fraught with a thousand real or imaginary perils. The order was given by the Senate to close and guard the gates. But many of the Plebeians, men, women, and children, were already fled to join their friends and kinsmen; and many more were able to break out, with arms in their hands, to unite with those who dwelt upon the Aventine,[24] or else to hurry forward to the Anio. The whole city was in an uproar until half its population had departed.

The character of the seceders needs no other description than the simplest narrative of their determination and their triumph. To regard them as a

[23] Dion. Hal., VI. 45. Cf. Plut., Coriol., 6.

[24] Cic., De Rep., II. 33. Liv., (referring to Piso), II. 32.

mob of common insurgents whose success was unaccountable, is altogether erroneous. Though not the richest, they were certainly not the poorest of the Plebeians. The poor man, without money to pay or property to lose, was accustomed to hardships that would weigh more heavily upon another driven but lately into poverty, and thence into bondage. On the other hand, the rich Plebeian, inclined, as we have supposed, to side with his superiors, would probably prove a cruel creditor who, in any disturbance between the lender and the borrower, would certainly take the lender's part. They who went forth to the hill beyond the Anio, or to the Aventine, were of the middle class, descended from as good a stock as any men in Rome, yet now degraded, in most instances through no fault of their own, but through the difficulties of the times, to the most wretched and, as yet, the most helpless dependence. It was from this condition that the seceders, numbering about twenty thousand,[25] resolved to extricate themselves.

Meanwhile the Patricians were changing from amazement to wrath and from wrath to irresolution. Arming themselves and their clients, besides whom they were probably able to gather some bands from the lowest classes of the Plebeians, and joined, moreover, by the richer men of the same estate, they strengthened the gates, manned the towers of the city, and set their posts without the walls. But

[25] The calculation is uncertain; see note 13. But supposing the six legions to contain each 3,000 Plebeians, and then imagining them to be joined by 5,000 or 10,000 more, we have from 23,000 to 28,000 in all; part of these being on the Aventine.

these were measures of defence, unusual for the Patricians to take at any time, and at this time altogether insufficient to subdue the Plebeians. Besides the uncertainty and the fear which the Patricians felt in relation to the secession, they were still more alarmed by the inroad of troops from some of the neighboring nations.[26] The enemy could be easily descried from the walls; and anxious eyes, undoubtedly, watched their approach to the hill of the Plebeians. But the seceders, though tempted, stood firm and apart, content to see the lands of their creditors laid waste by ravages not now, without them, to be hindered. The foe retired; and the only wonder was, that the territory of Rome was not overspread by marauders, as swiftly and as thickly as the earth is covered with its autumn leaves.

Every thing depended upon the influence of the wiser Patricians, whose temperate counsels, had they been sooner followed, would have prevented the dangers now threatening the whole nation. It would not do for the violent on either side to offer battle, unless victory were sought at the risk of the Commonwealth itself. Nor was it safe to wait until downright necessity should compel the abatement of Plebeian independence or of Patrician pride.

The Senate was convened. Milder proposals fortunately prevailing, it was determined to send an embassy to the Plebeians. They, meanwhile, had remained on their hill by the Anio, as upon the

[26] Dion. Hal., VI. 46.

Aventine, increasing in numbers, and procuring such shelter and sustenance as could be obtained from the neighboring fields. In after years, their descendants were fond of decking the story with ornaments of whose intrinsic value it is difficult to be very sure; and many an exclamation of wonder or admiration was excited by the tradition that the seceders did no deed of violence or even of plunder, except, perhaps, in taking a sheaf of corn from the field, or a bundle of fagots from the wood, of some rich Patrician. Enough there were, undoubtedly, as they sharpened their arms or piled their stores about the camp-fires on the hill, to talk of revenge and bloody exploits. But their wives or daughters, who came to join them with their children, were arguments, even to such rude hearts, for peace. The embassy, therefore, from the Patricians was not unwelcome. Yet, as it brought only questionings or offers of forgiveness, when the Plebeians asked no pardon and had no new answers to make, it proved, in itself, a failure.

The mission, however, of the envoys was not altogether fruitless. It convinced the seceders that they must be resolute, while it attracted fresh numbers to their support.[27] More important still was the proof thus furnished to the Patricians that some of their own obstinacy had been imbibed, and deeply, by the Plebeians.

The day, meanwhile, approached, when new Consuls were to take the place of those whose admi-

[27] Dion. Hal., VI. 48.

nistration had been so singularly unfortunate. The election was held by the Curias on account of its being impossible to call the Centurias together. Yet the Patricians were sufficiently temperate to give their votes to two of the most moderate and capable[28] of their number, by name Postumius Cominius and Spurius Cassius.

It was now the autumn.[29] The heat of the year having passed, there would be a fairer opportunity for rapid and successful invasion of the territory that lay exposed to enemies on all sides. One of the first cares of the lately chosen Consuls appears to have been the formation of a league with the Latins,[30] partly, perhaps, in order to shake the determination of the seceders by the appearance of new forces against them, but rather, doubtless, in order to keep off the incursions which were dreaded from the nations on the Latin side of Rome. Before the treaty was concluded, the Senate had been convoked to decide anew upon the means of reconciling the two estates. The necessity of reunion could not have been more strikingly demonstrated than by the earnestness with which the Patricians were obliged to seek an alliance that, in other circumstances, would have been refused rather than solicited.

The Senate, however, was so much agitated by different counsels,[31] that the Curias were called before the other body could be persuaded to adopt any reasonable measures. It was at length decreed that

[28] Both had held the office before. Liv., II. 17, 18.

[29] Of the year A. C. 494.

[30] Dion. Hal., VI. 95.

[31] Of which there is a wearisome report in Dion. Hal., VI. 49 – 64.

ten of the principal Senators should be sent to treat concerning peace with the seceders. Valerius and Servilius were both among the number.[32] Of the others, Menenius Agrippa is especially mentioned[33] as a man whom the Plebeians liked for his ready wit and Plebeian origin.[34]

The seceders were quite as anxious as the Patricians to be reconciled with their countrymen. The league with the Latins showed them the uselessness of counting upon invasions in their behalf. So the narrow quarters upon the hill and the scanty means of subsistence, after the harvest had been gathered in, were cogent reasons against keeping up the secession any longer than seemed indispensable to secure an honorable return. Similar considerations would produce the same temper in the Plebeians at Rome or upon the Aventine.

The commissioners, accordingly, were followed and received in their mission with sincere desires that they might succeed. As they drew nigh to the Anio, they were met by the whole throng descending from the hill. At the head of the seceders were Sicinius and his fellow-leaders, one of whom, Lucius Junius, had taken the name of Brutus and made himself, by quick-witted activity, a very important personage.[35] At the head of the commissioners advanced Menenius Agrippa, deputed by the rest to use his off-hand eloquence[36] in bringing over the

[32] Dion. Hal., VI. 69.

[33] Plut., Coriol., 6. Liv., II. 32.

[34] He was, of course, a Patrician; but his family had apparently been among those raised at one time or another from the Plebeians.

[35] Τὶς ταραχώδης καὶ στασιαστής. Dion. Hal., VI. 70.

[36] Which Livy describes with considerable disdain: — "Prisco illo dicendi et horrido modo. II. 32.

multitude, with whom, as previously remarked, he was a great favorite.

It is not difficult to imagine the interview between the seceders and the envoys. The old Patrician, with his companions and their attendants, seems again to be standing beneath the hill in the midst of the Campagna. Face to face appears the younger Plebeian surrounded by an excited crowd. The message from the Senate is delivered. In reply, the demands of the seceders are preferred. Junius Brutus speaks with vehemence upon the grievances with which his comrades have been too long afflicted. Claiming redress and proposing some means of future justice, he becomes so much inflamed as to end with invectives and threats of complete secession. At this the seceders forget their own desires in shouts of defiance and excitement. But Menenius is calmer, and addresses himself to the agitated multitude in so composed a manner and with so pleasant a mien, that they are hushed again to hear him. Setting aside all questions of rights and waiving sober arguments as powerless over the passions to be opposed, Menenius tells a story to touch the feelings and revive the patriotism of the Plebeians. Once upon a time, he says, the members and organs of the body refused to labor longer in providing the great stomach in their centre with food; but after sticking awhile to their resolution, they found they were not only starving the stomach, but famishing themselves. The fable succeeds. It sets the Patricians in a new light, and stirs the associations which bind the sece-

ders, in spite of all their injuries, to Rome. Menenius marks the impression made; and when he or another of the commissioners promises relief to every debtor or bondman who shall return with honest heart, a cry, loud and prolonged, for peace goes through the crowd.[37]

The terms of reconciliation were undoubtedly prepared amongst the seceders before the coming of the Patrician embassy. Abolition of existing debts and the institution of some Plebeian magistracy as a check upon the consulship were the chief demands. Whereof the presentation proved the fable of Menenius to bear a double application, entitling the members, if they kept the stomach full, to make sure that the stomach should, in turn, impart some nourishment to them. The commissioners, however, had come with no other offers than amnesty and discharge from debts or claims; for neither they nor the Senate had imagined that any further conditions would be proposed. Some of them, therefore, hurried back to Rome to inform the Senate of the wariness and fortitude which the seceders were showing, and of the necessity of granting their present demands before they had time to devise new ones. The Senate assented. As soon as this decision was reported to the envoys waiting by the hill, proclamation was made, first, that debts of all kinds were null and void, and next, that the Plebeians might have their own Tribunes when they

[37] Dion. Hal., VI. 86, 87. Near twenty sections preceding are filled with the harangues of the historian.

pleased.[38] The echo of the clamor that rose from the exulting multitude seems ringing still across the plain and still to be returned in distant shouting from the people near the city as they caught the sound of the acclamations on the hill.

The seceders chose their first two Tribunes on the spot. Sicinius and Junius Brutus, the leaders of the secession, are most naturally supposed[39] to have become, as Tribunes, the leaders, also, of the return. But before leaving the hill, the joyful Plebeians built an altar whereon they offered sacrifice[40] to Jupiter the Terrifier, by reason, says Dionysius, of the terror through which the god had inspired them to secede.[41] In all succeeding time, the hill has borne the name of Mons Sacer as a sacred landmark in the destinies of Rome.

Again in the city was offered sacrifice, in which the seceders from the Anio and the Aventine united with many of the Patricians and most of the Plebeians who had remained in Rome. At the same time, a new election of Tribunes was held by the Centurias,[42] and three more were added to the two

[38] Dion. Hal., VI. 88. Dionysius also relates the sending of an embassy from the seceders to have the terms more solemnly confirmed. On the abolition of debts see a curious chapter in Scheppe's Essay, ap. Græv., Antiq. Rom., tom. VIII. p. 986.

[39] After Dionysius, VI. 87. Livy (II. 33) mentions two other names, Licinius and Albinus.

[40] "And, their wrongs redressed, at once gave way,
Helmet and shield, and sword and spear, thrown down,
And every hand uplifted, every heart
Poured out in thanks to Heaven."
ROGERS'S *Italy*.

[41] Dion. Hal., VI. 90.

[42] It is by no means certain that the Centurias had the election of the Tribunes; but it is improbable, to say the least, that they should have been chosen by the Curias. The Curias, apparently, confirmed the choice of the Centurias. See Dion. Hal., VI. 90. The Tribes had nothing to do with the election until some years afterwards. See Liv., II. 56, and the next chapter of this history.

who had been irregularly appointed on the hill; all the five being then confirmed by the Curias. It is related that the number of the new magistrates was fixed at five, in order that there might be a Tribune for each of the first five classes of the Centurias.[43]

Another office for the Plebeians, the ædileship, was established after their return. For a little while at least, the Patricians were willing to be generous and the Plebeians glad to be moderate. The poor and the debtors had sufficient cause for rejoicing in what they had gained, without desiring more. Even the most indignant at the loss of debts and debtors' services, as well as at the protection acquired for the future by the Plebeians, consoled themselves with the dignity restored to them in the presence of their inferiors, whom they would again crush to the dust. The only men in Rome to be disheartened were the Plebeians who had been unfaithful to their order in its time of trial, and who were now as cordially despised by the Patricians as they were hated by the mass of the Plebeians. It is more agreeable to reflect upon the manly satisfaction derived from the issue of the secession by such as Valerius[44] and Menenius Agrippa.

The narrative of the secession and the reunion must be closed with some account of the Plebeian

[43] Commentary of Asconius upon Cic., Pro C. Cornel., Frag., 1. Cf. Liv., III. 30. See the corollary, as it were, which has been drawn from this fact, note 51.

[44] An inscription in eulogy of Valerius deserves to be transcribed: — "Plebem de Sacro Monte deduxit. Gratiam cum Patribus reconciliavit. Fœnore gravi Populum Senatus, hoc ejus Rei Auctore, liberavit." Orelli, Collect. Inscript. Lat. Select., 535.

magistracies. Of these, the Ædiles, two in number, were much the least important. Their name, in our tongue, Templars, was derived from the temple[45] of Ceres, intrusted, as the Treasury of the Plebeians,[46] to their guardianship. Otherwise, the Ædiles were little more than sub-Tribunes, to whom some unimportant functions of a judicial character were committed, and whose office was chiefly desirable as an introduction to the higher powers of the tribunate.[47]

The new Tribunes bore the same name as the heads of the Tribes. But their title in full, Tribunes of the Plebeians, expresses a very different authority. If not at once,[48] they very soon became the magistrates, the representatives, and the protectors of their order, both singly and collectively.

As magistrates, they heard the causes of the Plebeians, who speedily learned to refer their disputes to their own officers, instead of continually quarrelling before the higher tribunals. The Tribunes also presided at the assembly of the Tribes, before which they laid matters fit for its cogni-

[45] Ædes: ædilis. "Qui ædibus præessent." Pomponius, ap. Digest., lib. I. tit. II., II. 21.

[46] Niebuhr (vol. I. p. 294) mentions that alms were distributed from this treasury to the poorest Plebeians. Its receipts were derived from the fines assessed by the Tribes.

[47] At a later time the Ædiles became the keepers of the public archives (Senatus Consulta and Plebiscita) deposited in the same temple of Ceres. They were also superintendents of the markets, public buildings and works, etc.

[48] Which very many writers deny. Emmanuele Duni, for instance, in his work on the Origine e Progresso del Cittadino di Roma, cap. IV., calls the tribuneship "la figura di Tutore della Plebe." Appius Claudius certainly styles the Tribune Lætorius "Privatum . . . . sine imperio, sine magistratu." Liv., II. 56. See Plut., Quæst. Rom., tom. VII. p. 142.

zance, and which they doubtless encouraged to bolder action than had been its wont of old.

As representatives, they were present, though without the doors,[49] at the meetings of the Senate. Or, if this was a privilege of somewhat later times,[50] the Tribunes appear to have been watchful over the proceedings of all the higher assemblies, in one of which, that is, the Centurias, they must have had official seats.

But it was as the protectors of the Plebeians that the Tribunes were most distinguished in the early times of their institution. Whether it was to secure the great right of appeal from the superior magistrates, or to arrest the Patrician, magistrate or citizen, who sought injustice against the lower class, or to interfere with the action of any body or any authority in the Commonwealth, one word from the Tribune, Provoco! I appeal! or another, Veto! I forbid! was pronounced sufficient to prevent the measures which he opposed. At all events, he was thus enabled to secure the interposition of the Tribes,[51] who could then decide for themselves if

[49] Val. Max., II. 2. 7. "Ante valvas positis subselliis, decreta patrum attentissima cura examinabant."

[50] As in Dion. Hal., IX. 49 (A. C. 472), X. 31 (456); Liv., IV. 1 (445).

[51] The reader will find an article in the Classical Museum, XXI., "On the Growth of the Tribune's Power before the Decemvirate," by Prof. Newman. It is an endeavor to prove that the Tribunes represented the five Classes, not the Tribes, and that their chief power lay in bringing appeals before the assembly, not, again, of the Tribes, but of the Centurias. This is no place to state the arguments to the contrary. The tone of Livy's narratives, following the account of the secession, and, in some instances, his actual expressions ("Concilium *Plebis*," II. 57, "*Plebs* in foro," II. 54, etc.), apply to the Tribes. But to remember the origin and the character of the early Plebeians, is to be convinced that they were as much as-

their rights were threatened or abused. The Tribunes were made inviolable[52] in person and in power within the city and the circle of a mile beyond the city. These, therefore, were the limits which the absolute authority of the Consuls could not henceforward cross. To secure their own fidelity, the Tribunes were forbidden to be absent a whole day or to close their doors, even for an hour, against the applications of the Plebeians for justice or protection.

Such was the office which the seceders were wise enough to demand should be established as the condition of their return. Neither their spirit nor the powers of their Tribunes require to be magnified in order to exhibit the difference created in the relations between the two estates of Rome. From the moment that the lower estate was furnished with defensive arms, the higher was compelled to take a new position, not yet, indeed, of mere defence, but no longer of the same offensive front that it had before maintained. The treaty between the seceders and the Senate was the Plebeians' Magna Charta,[53] gained on the Runnymede of Roman liberty, Mons Sacer.

sisted by their magistrates and their assemblies as they have been described, and as I shall continue to describe them. "Tribuni dicti eo quod *plebi* jura vel opem tradunt [tribuunt ?]." Isidor. Hisp., Orig., IX. 4.

[52] "Magistratus sacrosancti." Liv., II. 33. Ἱερὰν καὶ ἄσυλον ἀρχήν. Dion. Hal., VI. 89.

[53] Kortüm, Röm. Gesch., p. 75.

CHAPTER III.

FIRST WORKS OF THE TRIBUNES.

"Plebs . . . . agitari cœpta tribunitiis procellis."

LIVIUS, II. 1.

THE reconciliation between the citizens of Rome was of little longer duration than the smoke which rose from the altar of sacrifice on Mons Sacer. Instead of a single, there seemed to be a double Commonwealth.[1] In one part, sat the priest, the magistrate, and the lord, proud of the prerogatives which they were determined to share with no others besides themselves. In the other part, were thrown together the retainer and the subject, some with the names, but none with the actual rights of freemen. To these rights not all of the inferior classes could aspire. But there was one body already aspiring and already successful. It was in the course of things that the Plebeians should show increasing symptoms of insubordination under the dominion which they had shaken.

The first to lead in the movements that were inevitable turned out to be a Patrician. Spurius Cassius had been appointed to the mastership of

[1] "Duas civitates ex una factas." Liv., II. 44.

the Knights, when that office was established as a lieutenancy to the dictatorship. During the secession, he had been raised to the consulship, in which he proved particularly prominent in bringing about the league with the Latins. So far, he stood the avowed champion of the Patricians against the struggling Plebeians. But from the time when the Latin alliance was considered as having secured his order against their subjects, Cassius seems to have changed his ground. "Ye are strong!" he may have argued in presence of his peers. "Be ye therefore liberal! Bring back these seceders to their homes! Ye have no more to fear from them or from their magistrates, if such ye will grant to them!"

In asserting these principles, Cassius could not easily have made himself understood. It was difficult for him to win the Plebeians to forget the resolution with which he had sustained their rulers. It was still more difficult to preserve the confidence of the Patricians when he made himself the advocate of their subjects. As time, however, allowed the conduct of Cassius to be more calmly judged, he was again appointed to the consulship, as if the prepossessions against him had been forgotten.

It happened in the ensuing year, according to the narrative of Livy,[2] that the Hernicans, a nation of

[2] Which is here followed simply for the sake of the illustration concerning the proposed division of lands. All probabilities are against the submission of the Hernicans at the present time; but the real terms of the league depend upon conjectures alone. See Liv., II. 41; Dion. Hal., VIII. 77; and Niebuhr's chapter on the League with the Hernicans, in his second volume.

Sabine race, and long at enmity with Rome, were reduced to peace on conditions that could have been imposed only after disastrous conflicts. Cassius is supposed to have framed the treaty by which a large part of the Hernican territory was formally surrendered. He then preferred a law dividing the newly-acquired domain according to a different system from that which had hitherto put the Patricians in possession, or, as we should say, in occupation, of all conquered lands. This law, called the Agrarian from its relation to the Agri Publici, or public lands, ordered that one portion of the Hernican territory should be left to the nation from whom the whole was taken, while a second should be given over to the Latins, and still a third should be distributed among the Roman Plebeians. But as the wants of his own countrymen were too large to be satisfied by a few acres of the land last gained by their arms, Cassius went farther still for their relief. The same law proposed that some of the public domain previously conquered, and long in the occupation of the Patricians, should be surrendered to the Commonwealth by its richer tenants, and then assigned in moderate shares to the necessitous citizens.

There does not seem, at first sight, any thing that could have been objected to a proposal not more generous than just. But the Patricians, from time immemorial, had regarded the public lands in the same light as the public honors and the public resources, that is to say, as exclusively their own. Besides the long fixed notion that the domain of the

Commonwealth was theirs, and that the payment of a tithe of the produce[3] was a sacrifice rather than a duty on their part, the Patrician occupants had made improvements and erected buildings upon the lands, bequeathing or inheriting them as legacies to which their title was indisputable. It does not appear that Cassius attempted to take back, in the name of the Commonwealth, any of the estates that had been most improved or longest occupied. Yet, however moderate were the terms of the law, it would still have been resisted, as it was, by the Patricians, with might and main. Our Consul, they would urge, has as much right to propose the division of our possessions or of our households, as that of the lands which we have obtained as rulers of the Commonwealth.

Against these remonstrances Cassius stood firm. The Plebeians would naturally throng to his support with determination proportionate to the surprise of the Patricians. All that the Tribunes could do in such a case was to marshal their estate in united and overwhelming numbers when the decision of the question came up before the Centurias. How earnestly the Tribunes did their duty, and how steadfastly their directions were obeyed by the Plebeians, must be gathered from the simple fact that the law passed.[4]

Here, however, the movement was stayed. The commissioners directed by the law to divide the

[3] Niebuhr assumes, without much necessity, that Cassius also proposed to exact the tithe more regularly from those whom his law left in occupation of the undivided lands.

[4] See Dion. Hal., VIII. 76.

domain obtained from its occupants were never even named. The Consul, supported by the Tribunes, had for an instant only overcome the opposition of the Patricians. The rumor seems to have been spread that Cassius was seeking to become king. Already the Plebeians, remembering his mastership and his Latin league, may have mistrusted his motives for professing to relieve their poverty. So, just as he touched the highest point of all his greatness, Cassius was abandoned. Accused at the expiration of his office, probably before the Curias, and by them condemned as guilty of treason to the Commonwealth, Cassius was immediately executed.[5] His house was razed to the ground, and the site long remained vacant before one of the great temples in Rome. Perhaps the only moral to be drawn from his doom is that there was then no middle course to pursue between the factions by which the Commonwealth was sundered.[6]

It would still appear as if the melancholy fate of Cassius resulted chiefly from the feebleness of the Plebeians and their Tribunes. Had they been able to aid him as the case required, they would not have tarried by the way to mistrust or to desert him. His death left the Plebeian leaders to rely upon themselves, weak as they were.[7] The Agrarian law, although remaining a dead

[5] Liv., II. 41. Dion. Hal., VIII. 77, 79. Both the historians mention a tradition that Cassius was put to death by his father's hands. The year of his death was probably A. C. 485.

[6] Dionysius (VIII. 78) makes it out that Cassius was opposed to all factions and to all laws.

[7] "I know," says Menenius to the Tribune, "you can do very little alone; for your helps are

letter, so grew in favor with those whom it was designed to benefit, that some of the Tribunes, from year to year,[8] were inspired to attempt its revival. Their efforts were not, apparently, the wisest or even the most zealous that could have been made. So that the Plebeians were still unable to wrest from the Patricians the lands which their own right arms had wrested from their foes.

In truth, the lower estate was greatly depressed through causes of which no clear account is preserved, but which may readily be surmised to have been the continuance of wars and hardships like those of former years. Twice, successively, the Consuls were elected by the Curias[9] instead of the Centurias. Nor was the ancient manner of election then restored, but the Curias continued to usurp the right of choosing one Consul, leaving to the choice of the Centurias[10] the other only, who would then, as the reader will remember, require the grant of his commission from the Curias.

The great evil to be arrested was the perpetual succession of campaigns, in which the whole energies of the lower classes were then absorbed. Two years after Cassius's execution, the Tribune Caius Mænius declared that he would protect any of his order who refused to enlist themselves. The Consuls were consequently obliged to hold their levy

many; or else your actions would grow wondrous single: your abilities are too infant-like for doing much alone." Coriolanus, Act. II. sc. 1.

[8] As Livy incidentally remarks; II. 42, 43, 44, 52, 54, 61, 63.

[9] Liv., II. 42. Niebuhr, vol. II. pp. 86 *et seq.*

[10] Dion. Hal., VIII. 90, IX. 1. Liv., II. 43. See Niebuhr again, vol. II. p. 90.

a mile beyond the city walls, in order to use their powers, at that distance absolute, against the refractory citizens.[11] Two years later, the attempt to hinder the enrolment of forces was renewed by another Tribune, Spurius Licinius,[12] who at the same time endeavored, as Mænius had done, to obtain the execution of the Agrarian law. But he failed even more signally than Mænius, in consequence of opposition from his own associates.[13] The example, however, of the bolder Tribunes was followed, the next year, by another, named Ponteficius, whose efforts, like those of Licinius, were baffled by his colleagues.[14] Yet such courage as these three showed was of the greatest service to the future emancipation of their order from the oppression which they could not immediately overthrow.

The consulship, against which the powers of the tribuneship were very unequally matched, remained in the possession of a few Patrician families. One of its two seats was held for seven years successively by a Fabius; three members of that great house being chosen, one after another, and then re-elected, as if the office was their hereditary property. Amongst the three was Cæso Fabius, who, having been Quæstor at the time of Cassius's pro-

[11] Dion. Hal., VIII. 87.

[12] Liv., II. 43. The name is also supposed to have been Icilius. Dion. Hal., IX. 1 (amended.)

[13] "Nec in eum Consules acrius quam ipsius ejus collegæ coorti sunt: auxilioque eorum delectum Consules habent." Liv., II. 43.

[14] Dion. Hal., IX. 5. Liv., II. 44. Appius Claudius here appears for the last time, delighted that the Tribunes' power should be broken by its own weight, — "suis viribus dissolvi."

secution, was then able to give an official air to his animosity against that unhappy Patrician. Time passed, and Cæso Fabius became Consul once and again, by the votes of the Curias. The Plebeians, meanwhile, were beginning to regard as a martyr to his zeal in their behalf the man whom Cæso had led to execution a year or two before.[15] They could not therefore brook the authority of the Fabian family with the same patience that they were generally wont to show towards their Patrician rulers.

In the year following Cæso's second consulship, his successor, Marcus Fabius, was obliged to delay his operations at the head of the Roman forces in Etruria, in consequence of the hatred borne towards him by the soldiers under his command. The troops were forbidden to stir beyond their camp, although the enemy was close at hand; nor would the Consul give the signal for battle, until his men, sick of inactivity and reproach, swore with one consent to win the victory, if they were allowed to meet the foe. The Consul fought in the van, and one of his brothers, as well as his colleague, was slain upon the fiercely contested field. But the fortune of the day was with the Romans. On their return to Rome, Marcus Fabius refused to triumph for the success which he confessed to have cost both himself and the Commonwealth dear. Instead of parading the troops that came back unhurt, he devoted himself to the care of his wounded soldiers, for whom he provided

[15] Dion. Hal., IX. 3. See the narrative in Liv., II. 43.

quarters in his own house and with his friends, until they should be cured.

The Plebeians forgot the past, in amazement at the present behavior of the Consul and his family. When Cæso Fabius came forward again to offer himself for his third consulship, the lower classes were as anxious as the highest that he should succeed.[16] He, too, appeared to be transformed. Gallantly, though vainly, he strove to obtain the Senate's consent to the long-deferred division of the public lands amongst those whose blood and sweat had gained them.[17] Twice, also, he marched forth at the head of his army to gather the laurels that are easily found by a general whom his soldiers love. Scarcely returned from his second campaign, in which he saved his colleague's forces from destruction, Cæso came into the Senate-house, followed by every member of his family. The Patricians, who had thwarted his best designs, might have feared lest he came to do them violence; but the words which he is reported to have uttered were those neither of anger nor of revenge. "Send us out," he said, "against the people of Veii, and take ye care of other wars yourselves. We promise to protect the majesty of the Roman name."[18] On the following day, the whole family, with one exception,[19] appeared in arms, accompanied by their clients and relatives, all led by the

[16] "Non patrum magis quam plebis studiis." Liv., II. 48.

[17] "Verum esse habere eos, quorum sanguine ac sudore partus sit." Id., ib.

[18] Id., ib.

[19] Niebuhr surmises that this one was not a youth, as commonly related, but a full-grown man of contrary sentiments to his kinsmen. Cf. Dion. Hal., IX. 22.

Consul in his military robes. Proceeding through the streets to the gates by which they were to pass out, but through which they were never to return, they bade their friends farewell, responding to the acclamations of the people as if their march had been to keep a festival. Of three hundred and six who had gone forth, not one remained within two years to keep the enemy away or to show the Plebeians that there were some amongst the Patricians to count them as fellow-citizens.[20]

Such are the outlines of a legend that cannot be dismissed without a comment upon the historical substance of which it was composed. Significant, indeed, is the proof which it conveys that the divisions amongst the Patricians had so widened or thickened in the time of the Fabii, as to make a family of their rank desirous of leaving their homes to their more successful adversaries. This gives a new aspect to the procession of the Fabii, as they departed to meet the dangers abroad preferred by them to wearier and more perilous conflicts at home. The acclamations sound as hearty and the farewells as tender; yet a different chord from that echoed in the story appears to have been struck in those who stayed and those who went away.

But the Plebeians were not so utterly feeble as when Cassius died. Titus Menenius, a son of old Menenius Agrippa, and then Consul, was encamped not far from the Fabii at the moment of their slaughter. At the end of his term, two Tribunes, Consi-

[20] Liv., II. 50. As for the number, see Diod. Sic., XI. 53, and Aul. Gell., XVII. 21. Cf. Dion. Hal. IX. 15.

dius and Titus Genucius, accused Menenius of having looked on, as they would say, while the best men in Rome were perishing before his eyes. The Patricians exerted themselves in every way to save him from the judgment of the Tribes before whom he was brought to trial.[21] The memory of his father spared the son a severer sentence than a fine. The Tribunes were contented to have proved their grateful remembrance of those whom Menenius was believed, for party motives, to have betrayed. He died of shame.[22]

It does not, after this, seem probable that the Plebeians would allow their friends and advocates amongst the higher estate to perish in exile or by execution. Somewhat too abrupt, however, appears the transition from the supineness of the Tribunes during the persecution of Cassius and the exile of the Fabii, to the zealous and successful retaliation of their successors upon Coriolanus. The legend concerning him seems to present itself too soon. Trusting, however, to the modern historian of Rome, who advances the date of the story some twenty or thirty years,[23] we may here relate the first actual triumph

[21] This, as previously mentioned, is a doubtful point in the eyes of some good scholars. Livy writes, however, in this (II. 52) as in the other instances (II. 52, 54, 57, 61), much rather of the Tribes than of the Centurias. The word Populus is a strong argument with those who would have us read Centurias: e. g. "rei ad populum" (II. 54), "reus ad judicium populi" (II. 61). But Populus seems to mean only that it was one of the great trials, the Judicia Populi, as they were called, without any peculiar reference to the Centurias. The reader will pardon this second note on the same subject, if he reflects that the whole chapter which he is reading depends upon the activity attributable to the Tribunes and the Tribes.

[22] Liv., II. 51, 52. Dion. Hal., IX. 27.

[23] See Niebuhr's History, vol. II., pp. 51 *et seq.*, 114.

which the Tribunes of the Plebeians gained over their more powerful antagonists.

We must take for granted that the arrogance of Caius (or Cnæus) Marcius Coriolanus was heightened in the legend. He is, therefore, to be regarded not merely as an individual, but as a personification of the old Patricianism. This being premised, it may be safely read how there was once a man in Rome so brave in arms that the name which he commonly bore was taken from a captured city.[24] The hero carried the same spirit to which he owed his renown in war into times of peace.[25] In every exercise of authority which the Tribunes ventured, he was ready to baffle them. Against every desire of the lower estate, whether right or wrong, he stood prepared to argue that the Plebeians deserved to have no wishes of their own. So wild was his animosity, that, on seeking the consulship, he was rejected by the Centurias. The majority even of the Patricians declared against Coriolanus, on the ground that the Plebeians had better be taught to look up to them as protectors than to hate them as oppressors.

Angered by his repulse at the elections, Coriolanus put forth all his energy, rousing the more violent men amongst his order to resume the attitude in which they had long stood exulting over their

[24] Corioli, which, however, was one of the Latin towns at peace with Rome. It may, indeed, have engaged in war, separately from its confederates. See the explanation in note 16 to ch. XI. of Arnold's History.

[25] "Nature,
Not to be other than one thing, not moving
From the casque to the cushion, but commanding peace
Even with the same austerity and garb
As he controlled the war."
Coriolanus, IV. 7.

prostrate subjects. A famine occurred, so general and so alarming that it was necessary to seek supplies from afar. On their arrival to feed, as was supposed, the starving poor, Coriolanus is reported to have addressed the Senate in this wise: — "If yonder rabble will have the grain they need, let them restore to us our ancient authority. Am I, who could not brook a king, to bear with a Tribune, a Triton of the minnows? Let them secede again; the way is open to their Sacred Hill, or to any hill they please!" [26]

Such words, uncertain though they be, describe the feelings which long excited the Patricians, from father to son, against the growth of freedom in the Commonwealth of Rome. In the present instance, they were met as they deserved. The Tribunes called the Plebeians to hear the outrage which Coriolanus was urging in the Senate-house. On his coming forth with the other Senators, he would have been assailed by the infuriated multitude, had not their Tribunes interposed to summon him to trial before the Tribes.[27] He retorted that they had no right[28] to sit in judgment upon such as

[26] A free translation (with Shakspeare's assistance) from Liv., II. 34.

[27] "We must suggest the people in what hatred
He still hath held them, that, to his power, he would
Have made them mules, silenced their pleaders,
And dispropertied their freedoms; holding them,
In human action and capacity,
Of no more soul nor fitness for the world,
Than camels in their war; who have their provand
Only for bearing burdens, and sore blows
For sinking under them. . . . .
This viper,
That would depopulate the city,
And be every man himself."
Coriolanus, II. 1, III. 1.

Dionysius says (VII. 45) that Coriolanus was further charged with aspiring to make himself tyrant.

[28] Saying, according to Livy (II. 35), "Auxilii non pœnæ jus datum illi potestati, plebisque non patrum tribunos esse."

he. But the Tribunes were resolute, and even the Senate warned Coriolanus that he must yield. All that the Patricians, or the party of which he was the leader, could do for him was done; menace, surely, and violence were not spared. But the Plebeians, not, perhaps, without the aid of supporters amongst the Patricians, for once prevailed, and Coriolanus departed into banishment. The story of his return with the Volscians ought to have represented him as a follower or an officer rather than as the general in command. Besought by messages and embassies to leave the invaders, the Patrician submitted to his mother's expostulations and his wife's tears, entreating him to spare the Commonwealth. For the sake of the Patricians, Coriolanus renounced his purposes of revenge against the Plebeians.

Thus did the Tribunes prevail against a Patrician who had endeavored to violate the charter of the Plebeians. Their next step was to use their authority in calling others to account for injuries to the Commonwealth at large. In the year after the trial of Menenius, one of his successors in the consulship, Spurius Servilius, was impeached by two Tribunes for having sustained a defeat by the Etruscan forces under the Janiculan hill. But so manly was his denial of treachery or incapacity that he was readily acquitted.[29]

The old disputes concerning the Agrarian law recurring more warmly than ever since the death of

[29] Dion. Hal., IX. 28, 33. Liv., II. 52.

Cassius,[30] the Consuls at the time, Lucius Furius and Caius Manlius, like their predecessors, threw the whole weight of their authority into the opposite scale. As soon as they returned to the condition of private citizens, they were both accused before the Tribes by Cneius Genucius, a Tribune. Belonging, apparently, to the extreme party of their order, and with the fate of Coriolanus before their eyes, Manlius and Furius gave way to great alarm. Assuming the mean attire in which the accused were often wont to implore the compassion of their judges, the two Patricians took every precaution that could secure them against condemnation, soliciting the younger men particularly of their own order to defend them from the Plebeians. By these entreaties,[31] says the historian, the Patricians were fired. On the morning of the trial, Genucius was found dead in his bed; and the friends of the accused rejoiced aloud that there were foul means as well as fair to curb the insolence, as they styled it, of the Tribunes.[32] The murder of this man was not the only instance of the same unblushing principle being put into execution.[33] But the history of these years grows darker and closes in the midst of horrors.

Much as it had already cost the Plebeians or their champions to support the power of their Tri-

[30] In consequence, as Niebuhr conjectures, of victories lately gained over the Etruscans. See Dion. Hal., IX. 37.

[31] Liv., II. 54.

[32] "Palamque ferretur malo domandam tribunitiam potestatem." Liv., II. 54. Cf. Dion. Hal., IX. 38:—Δαιμόνιόν τι κωλύσεως συγκύρημα ἔδοξεν εἶναι, κ. τ. λ.

[33] Dion. Cass., Frag. XXII., Script. Vet. Collect. A. Maio, tom. II. p. 151. Zonaras, VII. 18.

bunes, the murder of Genucius proved an incentive to new struggles. The very same year[34] an enlistment, in itself an occurrence of every day, was held. In the course of it, a Plebeian named Volero Publilius, formerly a Centurion, was summoned as a common soldier. He refused to obey the orders of the Consuls, and appealed to the Tribunes for assistance. None answering his call, he beat back, with the aid of some bystanders, the lictor sent to seize and scourge him, loudly shouting that he appealed to the Plebeians themselves. "Help, fellow-citizens! Help, fellow-soldiers! Wait no longer for your Tribunes, who need your support more than ye need theirs!" The cry was heard; lictors and Consuls were soon flying from the Forum.[35] Escaping punishment, perhaps by boldness, perhaps by concealment, Publilius was shortly after elected Tribune. He entered upon the office with the same resolution to maintain the rights of his order that he had already shown in his own behalf.

There were proofs to stare such a man in the eyes that the Tribunes were too often Tribunes of the Patricians rather than of the Plebeians. It could scarcely have been otherwise. The tribuneship was in every respect inferior to the higher magistracies. Even the powers belonging to it were frequently vested in men too old or too downhearted to use them. Above all, it was an office in the gift of the Centurias and the Curias,[36] the

[34] A. C. 473, according to the chronology which we have hitherto followed.

[35] Liv., II. 55.

[36] By reason of their right of confirmation, which Niebuhr sup-

latter positively, and the former virtually, a Patrician assembly. Volero Publilius, bold enough to do what others had seen should be done, prepared a bill providing for the election of the Tribunes by the Tribes.[37] This he laid, apparently, before the Centurias, rather than the Tribes, who had not as yet assumed the initiative in acts of legislation.[38] Be this, however, as it may, the advantage of the proposed reform was instantly made manifest. For, of the four colleagues of Publilius, two were so much under Patrician influence as to oppose him with all the earnestness which his adversaries could have desired.[39] He, however, undaunted by the resistance offered him, succeeded in bringing his project forward. But bravery and resolution like his could not be universal; and the year wore away in disturbances, renewed as often as the bill was mentioned by its author or his supporters. The devoted perseverance of Publilius himself is beyond a doubt. The historian expresses surprise that the Tribune should have made no effort to revenge himself upon the Consuls for their conduct towards him at the time of the enlistment.[40] But the Tribune had a higher object in view, and to carry it out he obtained his reëlection to the tribunate for the succeeding year.

poses to have been surrendered before the election of Publilius. Hist. Rome, vol. II. pp. 91, 100.

[37] "Ut plebeii magistratus tributis comitiis fierent." Liv., II. 56. It will directly be observed that this at first concerned only the Tribunes.

[38] Here, however, it cannot be too openly confessed that our narrative is resting upon conjectures. Livy (loc. cit.) says, "Tulit ad populum." Dionysius (IX. 41) very evidently believes the bill to have been brought before the Tribes.

[39] This is the more probable account of Dionysius. Livy says the contrary.

[40] "Post publicam causam privato dolore habito." Liv., II. 56.

With Publilius was chosen another Tribune, Caius Lætorius, of still greater boldness. He, with his colleague's assent, came forward to amend the bill, as yet a mere proposal, by making its single clause transfer the election of the Ædiles,[41] as well as that of the Tribunes, to the Tribes, and, furthermore, by adding a new provision to endow the same assembly with the right of free discussion upon subjects of every kind.[42] It requires a moment's reflection to weigh the full effect of the addition which the bill thus owed to Lætorius. Hitherto, the Tribes had met to debate upon their taxes, and in some rare instances, as we have observed, to decide upon the sentence of political offenders. With few exceptions, it was forbidden them to hear or to deliberate upon matters in which they might be supposed to take the deepest interest. In consequence, the Plebeians depended entirely upon their subordinate places in the Centurias, or oftener upon the activity and intelligence of their Tribunes, for any information, or even for any opportunity of conversation, concerning the public events that were passing by them, as the Tiber flowed, one wave after another, unmeasured and unhindered. The new was no sooner added to the old clause of the bill, than it appears to have been laid directly before the assembly which it was designed to benefit, that, namely, of the Tribes.[43] No voice had ever broken the silence in which, except in times of tax-gatherings or stormy

[41] See note 38; and compare Dion. Hal., IX. 41, 43.

[42] Dion. Hal., IX. 43.

[43] See the narrative in Livy (II. 56) of the assembly *in the Forum.*

trials, the Plebeians were wont to assemble, until Publilius and Lætorius claimed perfect freedom of deliberation, with the right, imperfect though that then were, of legislation.[44]

It is plain that the opposition which had hindered the passage of the original bill through the Centurias would increase against the additional substance which it had received, and the more decided manner in which it was now proposed.

The Consuls of the year,[45] Appius Claudius, son of the Sabine Patrician, and Titus Quinctius, were elected, the former by the Curias,[46] and the latter by the Centurias. Against them, one or both, the Tribune Lætorius was sworn to succeed. He came into the Forum, on the day appointed for the meeting of the Tribes. His first proceeding was to order the withdrawal of the Patricians whom he saw gathered with intents well known to be evil. Perceiving, what he must have expected, that his commands were despised, he commanded that some of the Patricians should be arrested. At this, the Consul Appius bade them stand fast, nor fear an officer whose authority was binding only on the Plebeians. But the Tribune, inflamed with wrath, sent his attendant to eject the Consul himself from the Forum. Appius ordered his lictor to seize Lætorius. This stirred the multitude, and, after a brief but violent affray, the commands of the Tribune were

[44] Depending upon Dion. Hal., IX. 43; Zonaras, VII. 17.

[45] A. C. 471.

[46] As Lætorius contended:—"A patribus non consulem, sed carnificem, ad vexandam et lacerandam plebem creatum esse [Appium]." Liv., II. 56.

enforced by a thousand attendants instead of one. The other Consul, Quinctius, with some of the liberal Senators, contrived to prevent any further tumult. Although there could have been little tranquillity while every Tribe successively gave in its adhesion to the bill, and their leaders stood exulting and haranguing from the tribunal.

The bill was no sooner passed, than a band of Plebeians hastened to the Capitol, in order, probably, to hold it as security that the bill, now become a decree of the Tribes, should be accepted by the Senate and the Curias. Without their united consent the decree would never become a law. The menace, if meant as such, does not appear to have been required. For the Senate accepted and the Curias confirmed the proposal of the Tribes[47] as readily, to all appearance, as if Appius Claudius and his party had been driven not only from the Forum, but from the city. It has been sometimes thought that the conflict in the Forum was more violent than appears in history, and that one or both of the Tribunes by whom the law was framed fell, slain in the strife preceding the votes of the Tribes.[48] If it was so, there could have been few memories, amongst all that were familiar to their successors, more precious than those of Caius Lætorius and Volero Publilius, the champions and the martyrs of Plebeian liberty.

The Publilian law, as it was always styled, was

[47] "Lex silentio perfertur." Liv., II., 57. Dion. Hal., IX. 48, 49. Especially see Niebuhr's Hist., vol. II. pp. 104 *et seq.*

[48] Arnold's Hist., vol. I. p. 179.

soon after[49] strengthened by another bill proposed by the Tribune Spurius Icilius.[50] This empowered the Tribunes to proceed against any one interrupting them in presence of the Tribes, by fining the offender, or by bringing him before the assembly to be more severely sentenced.[51] The object of the new law was to protect the Tribunes as the presiding magistrates of the Tribes; and little scrutiny need be made, in order to perceive its effect upon the security of that assembly in proceedings like those which Appius Claudius had nearly prevented. The Icilian law is thus an appropriate illustration not only of the spirit called into action by the Publilian, but of the legislative power obtained by the Plebeians under the latter law.

The different conduct of Appius and Quinctius, the Consuls, respecting the passage of the Publilian bill was not lost upon the Plebeians. On taking the field, according to the custom of every year, Quinctius was enabled to keep the enemy at bay and lay waste their territory, while Appius Claudius was twice defeated by the foe to whom his army was opposed. Each Consul, of course, commanded the same class of soldiers. But the orders of the one were reluctantly executed by men who grudged

[49] Dionysius (VII. 17) gives an earlier date; but no one can hesitate to follow Niebuhr, who says, "It" — the Icilian law — "must been passed after the Publilian." Vol. II. pp. 51, 109.

[50] Whom Dionysius mentions both at the time of the secession and at the trial of Coriolanus. V. 88, VII. 26.

[51] Dionysius (loc. cit.) speaks of the fine as the only punishment exacted by the law. Many modern writers represent it as the bail exacted from the offender. The statement in the text is therefore conjectural. The effect of the law is described by Cicero: — "Contra verba atque interfationem legibus sacratis armatus [tribunus]." Pro Sext., 37.

him a triumph; whereas the other, Quinctius, was cheerfully obeyed and joyfully hailed victorious. The second defeat of Appius was so shameful, that he punished many of his officers by flogging and death, besides ordering every tenth man in the ranks to be beheaded. Much as this sentence must have exasperated the army and the people against the Consul, there was no resistance offered amongst the troops, nor did the idea that he was to be accused of having inflicted a cruel punishment upon his faithless soldiers occur to the Tribunes of the Plebeians.

But when, in the year succeeding, Appius came forward, hot and haughty,[52] to hinder the revival of the Agrarian law, he was then attacked, as if the long account of his own and his father's offences was to be rendered at last. Accused by two of the Tribunes and defended only by a minority of the Patricians, Appius changed neither countenance nor speech, but actually made the Plebeians hesitate to pronounce their judgment. As they recovered their spirits, however, his sank; and before sentence could be declared, he either went into exile, or, as is less probable, put an end to his days.[53] It could not have been possible for those whom he and his father had wronged to refrain from exultation. His colleague Quinctius, who had been as kind and calm as any Patrician knew how to be, lived long

[52] As if, says Livy, he had been a third Consul. II. 61.

[53] Livy (II. 61) and Dionysius (IX. 54) both say that he died by his own hand, to escape the shame of being condemned by the Plebeians; but Niebuhr maintains the exile. See his History, vol. II. note 754.

and laudably. Five times afterwards elected Consul, he served the Commonwealth with such extraordinary merit, that the name of Capitolinus was bestowed upon him by his grateful countrymen.

A time of trouble followed the fall of Appius. In the same year, Tiberius Æmilius, a Patrician of no great strength, but then in the consulship, declared in favor of the Agrarian law.[54] The same Æmilius, being again Consul three years later, joined the Tribunes in their efforts to bring about the division of the public lands,[55] now mooted for twenty years in vain. Although in a position to be more successful than any who had yet brought the law forward, Æmilius was content with the proposal of his colleague, Quintus Fabius, the survivor of the great Fabian family, to send a colony to the lately conquered town of Antium.[56] Instead, therefore, of settling the entire body of the needy Plebeians as independent husbandmen, but a few were enlisted as a garrison, to be rewarded only on condition that their post should be maintained. Antium was lost a few years afterwards, by revolt or conquest;[57] and the Plebeians were as far from being relieved or satisfied as ever. If they learned to trust in themselves or in their better Tribunes, instead of depending upon Consuls, like Fabius, unwilling, or, like Æmilius, unable to assist them, it was well.

It was not the experience of a single year, but the course of their whole lives, that taught the Ple-

[54] His father, Lucius, who had thrice been Consul, took the same side. Dion. Hal., IX. 51.

[55] Liv., III. 1.

[56] Dion. Hal., IX. 59. Liv., III. 1.

[57] Liv., III. 23; corrected by Niebuhr, vol. II. pp. 119, 120.

beians to rely upon themselves. One scene, witnessed near the present period, but happily shrouded from our sight, was full of horror. Nine men, whether magistrates or citizens is unknown, but certainly both Patricians and Plebeians, were burned alive apparently for having taken too active a part in the support of the Plebeian interest.[58] Another year, we find mention of the Plebeians as having looked on while the Consuls were elected by other votes than theirs.[59] Abroad, meanwhile, the enemies of Rome, unwearied and devoted to achieve her overthrow, were threatening her recent conquests and her ancient possessions. At home, besides the frays of the Forum and the Senate, diseases raged, so fatal, at one time, that both the Consuls were struck dead, while a multitude of the most eminent citizens perished.[60] The sufferings of the lower classes, untold by any historian, were more terrible; and again the old afflictions of cruelty and bondage pressed heavily upon the sick, the starving, and the bereaved. Yet there is never an evil without its infusion or its preparation of good. None who survived the pestilence but knew the greatest in their Commonwealth to be as subject as the meanest to the laws of nature, that is, of the Heaven then unseen.

Ten years, exactly, had passed since Publilius first demanded justice in the name of the Plebeians.[61] In their name likewise, the Tribune Terentilius

[58] The reader will most readily refer to a note in Arnold's History, ch. XIII. note 39.

[59] Livy's explanation (II. 64) is altogether unsatisfactory.

[60] Liv., III. 6, 7.

[61] It was therefore A. C. 462.

Arsa now proposed a bill providing for the publication of suitable regulations concerning the Patrician consulship. Notwithstanding their power within and their still greater authority without the walls, the Consuls were bound by no other restraints regarding the Plebeians than were involved in the right of appeal and the office of the Tribunes. In a peaceful state, these might have proved sufficient to prevent any very arbitrary acts against the lower classes. But in a Commonwealth whose name was a mockery so long as its citizens were contending with one another, order with order and man with man, the Tribunes, even when faithful, were often powerless, while the cry of the debtor or the soldier for judgment by his own comrades was continually stifled or else unheeded. It became, therefore, of paramount importance to restrict the exercise of the highest authority over all classes of the people. Terentilius, the Tribune, may have thought that the end at which he aimed would be secured by the stipulation of his bill. It was further provided that the bill should be carried into effect by ten commissioners, half Patricians and half Plebeians, appointed to revise, and especially to register, the laws concerning the consulate.[62]

Terentilius watched his opportunity and laid his project before the Tribes during the absence of both the Consuls. Their part, however, was at once assumed by Quintus Fabius, the same previously men-

[62] "Ut quinque viri," says Livy, "creenter legibus de imperio consulari *scribendis*." III. 9. Dionysius says (X. 3) there were to be ten commissioners; and Niebuhr (note 654 to vol. II.) settles the question.

tioned, then Prefect of the city. Through his menaces, the other Tribunes were induced to stop all further proceedings of their colleague until the Consuls could return. These first obstacles were removed only to make room for fresh ones; yet Terentilius, with increasing spirit, carried his bill triumphantly through the Tribes. But when brought up into the Senate for adoption it stuck fast; nor could any efforts of the Tribes or of the Tribunes dislodge it from the position where it remained useless until the Senate should pass it to the Curias, and the Curias return it as a law to the people. It lay idle, therefore, through that year and the next, when, though presented anew by all the five Tribunes, it was received with ominous warnings from the Sibylline books,[63] and again consigned to inactivity. Had the Patricians contented themselves with working upon the superstitious fears of the Plebeians, the designs of Terentilius might have been longer confounded. But the violent means presently adopted only made the people more anxious and the Tribunes more resolute to obtain the law whereof the necessity was daily proved.

It is more than history can do to describe the excesses of the faction for the time uppermost. Only scattered instances are mentioned of wrongs so foul[64] as to imply the commission of numerous

[63] These, sold in a strange way to the last Tarquin, according to the familiar tradition, were in the charge, at this time, of two Patricians, chosen for life, under the title of the Duumviri Sacrorum, to keep, and, by order of the Senate, to consult the books in case of need.

[64] Liv., III. 13, 33. Dion. Hal., x. 25. Dion. Cass., Fragm. Maii, XXII.

crimes against individuals, families, and classes of the weaker estate. But the imagination of the reader can supply the scenes of a society where contest was almost incessant and restraint upon the powerful completely precarious. One Patrician, Cæso Quinctius, is described as younger than many, yet the most notorious of all for his wild and reckless ways. Stout in frame, and winning in address,[65] he took the lead of a band as violent as himself, and liking nothing better than to be let loose upon the multitude of the Forum. An affray was raised, one day, to hinder the proceedings of the Tribes, assembled to take some measures in favor of the Terentilian bill. Cæso Quinctius, being foremost, was driving out the Tribunes like sheep, when one named Virginius turned like a man upon his pursuers, bidding Cæso prepare himself to answer for his life on some future day.

The trial came on before the Tribes. They believed their freedom, as the historian writes, to be staked on Cæso's condemnation.[66] His prosecution was conducted according to the Icilian law, on the ground that the accused had molested the Tribunes in presence of the Tribes. Many of the most illustrious Patricians appeared in Cæso's defence. His father, Quinctius Cincinnatus, a man remarkable for his unyielding temper, stooped so low as to entreat forgiveness from the Plebeians. But as the trial continued, an individual, some time before a Tribune, came forward to accuse Cæso of having committed a

[65] Dion. Hal., x. 5. Liv., III. 11. [66] Liv., III. 12.

murder for which he, the witness, had vainly entreated redress at the hands of the Consuls. The Plebeians heard his story with exasperation; and Cæso would have been cut down where he stood had not the Tribunes interfered. After giving bail for his appearance on another day to defend himself against the new and weightier charge, Cæso fled into Etruria.

If the wind was changing, it still blew with boisterous blasts. A thousand Cæsos seemed to have risen up in the place of one.[67] The Tribunes were again and again insulted, the Plebeians and the poor again and again aggrieved. A conspiracy was soon on foot between the fugitive[68] and his friends in Rome, to bring about his return. One night the Plebeians awoke to hear the clash of arms and the cry that the Capitol was in the hands of strangers. Morning brought the report that Appius Herdonius, a well-known[69] Sabine, had come in at the head of some exiles and slaves to secure their return or their liberation. Proclamation, in fact, was soon afterwards made from the Capitol, that the slaves throughout the city should have their freedom, and the poor their rights, on joining those in the citadel.

One of the Consuls at the time was Valerius Publicola, a son of the old Patrician of that honorable name. While his colleague was consulting with the Senate, Valerius came forth to remonstrate with the Plebeians or their Tribunes for refusing to arm themselves for the recovery of the

[67] Liv., III. 14.
[68] Dion. Hal., X. 10, 11.
[69] Id., X. 14.

Capitol. Convinced that Cæso Quinctius was with the exiles, the Plebeians naturally suspected the Patricians of being in the plot with him. It marks the sentiment of the Roman historians, rather than the actual character of the Plebeians, that these should be described as endeavoring, while Herdonius or Cæso was in the city, to pass their Terentilian bill. Towards the transformation of this into a law they could do no more than they had already done. Valerius, however, may have promised them to do his best in forwarding their favorite project so soon as the Capitol was cleared, while he assured them that the Patricians were innocent of all participation in the movements which they as well as the Plebeians feared. Whatever suspicions, whatever resolutions had been formed amongst the Plebeians, they yielded to the assurances of Valerius. Joined by a force sent in from Tusculum, Plebeians and Patricians dashed up the hill together, and took the citadel by rapid assault. Herdonius was slain, and Cæso, if he was there; but the brave Valerius also fell, in the moment of the victory which he was foremost in winning.[70]

Year followed year, in which the traditions of wrong and bloodshed lie thick and gloomy. Nor is it here necessary to grope amongst them for any further evidence of the circumstances in which the first works of the Tribunes were accomplished. Even the men most distinguished, like Quinctius Cincinnatus,[71] the father of Cæso, were filled with

[70] Liv., III. 15–18. Dion. Hal., x. 14–17. A. C. 460.

[71] Livy (III. 19, 20) describes the madman whom Christians have mistaken for a patriot.

a species of fury which may have made them warm Patricians, but which certainly excludes them from any prominent place in the history of liberty. There are some things, however, to observe as signs of better times. The union between the Plebeians and their Tribunes appears to have been remarkably constant, considering the trials through which they toiled and the breaks that are apt to occur between any popular party and its leaders. For five years, the same Tribunes were elected and reëlected, to pursue the same measures in promotion of the lingering Terentilian bill.[72]

Some time or other before the bill prevailed, it was so enlarged as to propose the inscription, in public, of all existing laws as well as of those relating to the authority of the Consuls. Otherwise, it would be difficult, with all the proofs of Patrician temper before us, to account for the virulence with which the bill of Terentilius was still opposed. The Tribunes of the five years might have been again chosen, had not the number of their college, as they were called collectively, been increased from five to ten, under a condition, imposed by the Senate or the Curias, that the same Tribunes should never be chosen a second time.[73] In a period of so much disorder, public and private, it was of great advantage to the Plebeians to have as many protectors as they could obtain. But it was of still greater importance that the protectors who had proved themselves most faithful should be retained

[72] "Iidem tribuni, eadem lex." Liv., III. 30.

[73] "Ne postea eosdem tribunos juberent." Liv., III. 30.

in their posts beyond the single year of their original appointment. The additional places in the tribuneship were gladly filled; and at the expiration of the twelvemonth, a vigorous effort secured the reëlection of all the ten Tribunes. The ten forthwith united in an oath, to stand fast by one another in the proceedings which they might resolve together to pursue.[74]

This determination was almost immediately followed by the bill of the Tribune Lucius Icilius, conveying the Aventine hill to the Plebeians, as their peculiar and exclusive possession. Although the earliest homes of the lower estate had been marked out upon the Aventine, they had of course been surrounded by fields or lots in the occupation of the Patricians. The part of the hill which they still held was now demanded for the Plebeians. It was little for the higher order to surrender, not only because there could not be much land left upon a single hill, but likewise because the Aventine stood beyond the Pomœrium, the hallowed boundary of the city. The Consuls, accordingly, made no hesitation about presenting the bill to the Senate, before whom Icilius was admitted to speak in its behalf. Accepted there, it was then confirmed by the Centurias. The law provided for the indemnification of the Patricians on account of any buildings or improvements which they had made upon the lands. When this was done, the

[74] Dion. Hal., x. 31. *Οὕτως οἰόμενοι μάλιστα τὸ τῆς δημαρχίας ἀκατάλυτον ἔσεσθαι κράτος.*

Plebeians took possession of the hill with solemn ceremonies. There was no space, of course, for every member of the order to have a separate dwelling; nor would many, who were comfortably settled in town or country, have any desire to remove to the Aventine. But to all alike it was an object of congratulation that they had a place, apart and secure, where they could meet in times of peace or throng with arms in times of strife with the Patricians.[75]

In accepting the bill concerning the Aventine, the Senate may have desired only to stop the mouths still clamorous for the Terentilian bill. It may have been for the same purpose that the Consuls of a year or two afterwards offered a bill restricting their authority of laying fines upon the Plebeians, and conferring the same power on other magistrates.[76] So the appointment of three Patrician commissioners to make a voyage in quest of the laws of Greece,[77] and, perhaps, of other lands besides, was a fresh device, on the part of the higher order, to gain time against the long evaded claims of the Tribunes. On the other hand, the Plebeians insisted not merely upon the passage of the bill in question, but likewise upon the revival of the violated law concerning the public lands. The adversaries of both measures were condemned to the payment of heavy fines,[78] as if the estate

[75] Livy (III. 31) mentions the law as having been quietly passed; but Dionysius (x. 31, 32), more improbably, makes it the cause of tumult and violent opposition.

[76] Cic., De Rep., II. 35. Dion. Hal., x. 50.

[77] Liv., III. 31.

[78] Dion. Hal., x. 33 *et seq.*, 42. Liv., III. 31.

which sat in darkness was determined at length to have its day.

On the return of the commissioners from Greece there was no further delay. Another pestilence had fallen upon the city, in token, as the Plebeians would say, of the gods' displeasure at the injustice done to them. With such an interpretation it might be unsafe to think that the Patricians agreed. Yet ten magistrates were speedily appointed by the Centurias to enter, under the title of Decemvirs, upon the great work of framing a legal and constitutional code for the Roman people. If it had been the design of Terentilius Arsa, ten years before, to provide that five of his ten commissioners should be Plebeians, it failed. All the ten were Patricians. But so far as the Tribune intended to invest a commission with powers to throw the Roman laws into a single code binding alike upon Patricians and upon Plebeians, he was successful. That this was his great purpose appears from the demand of the Tribunes supporting him, "for legislators to enact what was useful to both orders in equalizing their liberties." [79]

Such was the result of the first works of the Tribunes. Through doubt and struggle, through many a deed of courage and many a deed of violence, they had led the Plebeians to a point where they could claim their part in the law of the Commonwealth.

[79] "Qui utrisque utilia ferrent, quæque æquandæ libertatis essent." Liv., III. 31.

CHAPTER IV.

THE TWELVE TABLES.

"The Roman state; whose course will on
The way it takes, cracking ten thousand curbs
Of more strong link asunder than can ever
Appear in your impediment."

Coriolanus, Act I. sc. I.

The jurist of a later period speaks of the general want of laws at the time when the ten commissioners received their charge. "After the expulsion of the kings," he says, "the people lived according to uncertain principles and customs rather than according to formal statutes. And this went on for many years. But that it might continue no longer, it was determined to appoint Decemvirs by whom the state might be provided with laws."[1]

The mission of the three commissioners to Greece need not be doubted. But there is no probability of their having travelled thither in order to bring back a Grecian code. Not all the fame of Lycurgus or of Solon could have outweighed the value attached by the Romans of every class to the

[1] Pomponius, ap. Digest., lib. I. tit. II. 3, 4.

real or traditionary enactments of their own lawgivers. The chief races of Italy had contributed their statutes as they had contributed their warriors or their captives to swell the grandeur of the Roman nation. There was no necessity of sending abroad in search of additional ordinances. But it may have been the desire even of the rude men who ruled or battled upon the seven hills to trace the national statutes back to their sources in the East. Still more natural was the project of profiting by the experience of the Grecian states in giving form and inscription to the ordinances thenceforth established for the state of Rome.[2] Not the less national were the Roman laws.

The three commissioners were amongst the ten appointed on their return from Greece. To these, with the title of Decemvirs, were given powers well-nigh absolute. The only restriction upon their authority was that imposed by the Tribunes, who before laying down their offices secured the maintenance of the laws of Mons Sacer and the Aventine.[3] All other privileges, both of the superior and the inferior classes, were placed in abeyance; while all magistrates, the Consuls as well as the Tribunes, were suspended from their functions during the time that those of the Decemvirate continued.[4] At the end of a year the Decemvirs produced ten tables of written laws.[5] They asked, however, a

[2] A statue long stood in the Comitium to Hermodorus of Ephesus, a sophist, who was said to have been employed by the Decemvirs in their work of compilation. Plin., Nat. Hist., xxxiv. 11. Digest., lib. i. tit. ii., ii. 4.

[3] Liv., iii. 32.

[4] Dion. Hal., x. 54.

[5] Before the Centurias. Liv., iii. 34.

second term, in order to complete their labors. In this demand but one of them was sustained. He was Appius Claudius, supposed to be the same who had formerly gone into exile on account of his troubles with the Plebeians. With him were now chosen several Plebeians[6] as well as Patricians. The new Decemvirs assumed a still greater authority than that which had been held by their predecessors. But so much were they occupied in other affairs that they produced only two tables of laws during the year. In these two were contained, it is said, all the severer statutes against the lower and for the higher classes.[7] The two tables of the second year, with the ten of the first, completed the Twelve Tables.[8]

It has been related how the Tribune Terentilius based his argument for legislation upon the necessity of reducing the consular authority. The appointment of the Decemvirs was itself equivalent to the subjection of the consulate. Safeguards, whether old or new, against the day when the office should be restored, occupied a large space in the laws of the Decemvirs. Forms of trial,[9] rights to be maintained,[10] and penalties to be inflicted[11] by such as held judicial power in the Commonwealth, were all defined, with details so severe that the Consuls, as judges, could no longer be considered arbitrary.

[6] Arnold, Hist. Rome, vol. I. pp. 299, 300.

[7] "Duabus tabulis inæquarum legum additis." Cic., De Rep., II. 37.

[8] The two years were from the spring of A. C. 451 to that of 449.

[9] See the first two Tables, especially.

[10] In the 3d, 4th, 5th, 6th, and 8th Tables.

[11] In the 2d and 7th Tables.

One clause was directed against them, as well as against all who presided in the public tribunals, declaring the acceptance of bribes in that position to be punishable by death.[12] Another gave the appointment of Quæstors of Parricide to the people, whether to the Curias, Centurias, or Tribes, is doubtful, without dependence upon the nomination of the Consuls.[13] If it be remembered that the consular authority, untouched by these enactments, empowered its possessors to convoke the assemblies and propose to them laws in time of peace, while it included the absolute command of armies in war, it may not seem to have been much restrained. But there was no power, military or civil, for the Consuls to exercise without reference to settled laws. The obligation to stand by these was in itself a constraint upon the authority against which Terentilius the Tribune had pleaded in demanding the establishment of a national code.

As the magistrates of the Patricians were restrained, so were those of the Plebeians fortified by the fixed provisions of the Tables. Henceforth the Tribunes could point to the common law as the source of their prerogatives. Instead of contending against the Patricians who denied the authority of their office, they were to contend with those who denied the authority of the laws by which the office was sustained. The difference was immense. Not only were the Patricians less forward in gainsaying the tribunate. But the Plebeians were more earnest in

[12] Aul. Gell., xx. 1.
[13] Digest., lib. i. tit. ii., ii. 23. Cf. Tac., Ann., xi. 22.

upholding it. They had the law on their side. To have that was to have the highest inspiration which the Roman could obtain to struggle towards liberty.

The Tables appear to have made no alterations in the constitution of the Patrician assemblies. But the Plebeian assembly of the Tribes was totally reformed. On the one hand, it received the Patricians with their clients, and on the other, the Ærarians, whether these were freedmen or aliens.[14] Perhaps the first consequence of such an enlargement was to diminish the resolution with which the Plebeians had acted by themselves. But the second consequence could not fail to show itself in the subsequent importance of the Tribes as the national assembly of Rome.

The functions of the different assemblies remained much the same. When a legislative measure originated with a Consul, or with those whom he served, he laid it before the Senate, with whose approval he then proposed it to the Centurias. But their votes, even if unimpeded by the veto of the Tribunes or by the report of the Augurs, were not sufficient to establish a law until the confirmation of the Curias could be obtained. In the same way, a Tribune brought his bill before the Tribes, and if it was carried through them, he proposed it as a petition, to which the consent both of the Senate and of the Curias or the Centurias was indispensable before it became a law.[15] Once established, the laws bore the names of their authors.

[14] As is inferred from various passages in Livy, relating to the times immediately following the decemvirate. See III. 56, 71, IV. 24, V. 30, etc.

[15] From which, of course, we

The judicial functions of the assemblies continued. Civil and criminal suits were brought before the Tribes by the Tribunes or by the Quæstors before the Centurias. The latter body, according to a law in the Twelve Tables,[16] was invested with the trial of all capital cases. The judgment of the Centurias would be as much preferred by the Patricians to that of the Tribes, as it would be preferred by the Plebeians to the judgment of the Curias. The Curias, still meeting to confirm the procedures, whether legislative or elective, of the other assemblies, were no longer endowed with the same judicial powers as of old. Only when they gathered as the Comitia Calata, that is, the Called Assembly, at the call of the Pontiffs, who then presided over them, did the Curias assume the guise of a judicial body. Even then, their duties were those of witnesses rather than of judges.[17]

A cause, to be tried otherwise than in one of the assemblies, came up before a magistrate or before a body of judges. At this period, the only magistrate invested with judicial authority was the Consul.[18] He could pronounce directly upon comparatively few causes. A much greater number were heard by one or more judges selected chiefly from the Senate by the Consuls. The writ or the accu-

must distinguish mere Acts of the Senate, as well as the Decrees of the Plebs, the Edicts of the Consuls or (in after times) of other magistrates, and the later Maxims or Opinions of the Jurisconsults.

[16] Cic., De Legg., III. 19.

[17] Aul. Gell., XV. 27.

[18] Neither the Quæstors of Parricide nor the Tribunes being exceptions, though the Tribunes may have possessed some power of laying fines. The judicial functions of the Pontiffs do not enter into our present inquiry.

sation, in any case, was followed by the security or the bail. This was taken by the proper magistrate, who then transferred the trial of the suit, if it was civil, to judges, but if it was criminal, to one or the other of the assemblies. The prosecution of the cause before the assembly depended upon its assumption by a magistrate who was said to name the day for the person accused to make his defence. If it was a question of appeal, the assembly was convened by the magistrate supporting the appellant. The great privilege of appeal was reiterated in the Twelve Tables.[19]

So much for the statutes relating to the authorities of the Commonwealth. Let us look into some of the laws affecting its members at large.

The most generous interpreter of the ancient law speaks of one provision as being "particularly excellent." "It prohibits," he says, "legislation against individuals."[20] The individual might still be the victim of violence on the part of his peers or his rulers. But the force under which he succumbed could no longer be decked out as if it were the right.

At the same time, the Tables guaranteed all the inequalities which had allowed one individual or one order to oppress another. The Patrician and the Plebeian were treated not merely as of different ranks, but as of different nations. Nay, says the great Roman of after times, "what was allowed

[19] "Compluribus legibus." Cic., De Rep., II. 31. Cf. De Legg., III. 3.

[20] "Privilegia tollit.' Cic., De Legg., III. 19. So Pro Dom., 17. "Vetant XII. Tabulæ leges privis hominibus irrogari; id est enim privilegium."

between separate nations, was not allowed between the Plebeians and Patricians." They could not intermarry.[21] So the rich and the poor were divided by impassable lines. "Let a Proprietor," declared the law, "be the surety of a Proprietor. Of a Proletary, let the surety be any one who will."[22] Next came the divisions between the bond and the free. The freeman, detected in robbery, was scourged; but the slave, found guilty of the same crime, was put to death.[23] The infliction of bodily injury upon a slave was punished by a fine, of half the amount exacted for bodily injury done to a freeman.[24] So great, in all respects, was the contrast of freedom to servitude, that the law went to the utmost length in protecting the freeman against any claiming him as a bondman.[25]

All the more appalling was the severity with which the Tables condemned the debtor. Usury was abolished, and the legal interest was fixed at a low rate.[26] But should the debt not be discharged at maturity, the debtor was delivered over "to be cut and quartered," if so pleased his creditors.[27] Against this doom the Patrician or the proprietor was secure.[28] But the proletary or the Plebeian stood in danger

[21] "Etiam quæ disjunctis populis tribui solent, connubia, hæc illi, ut ne plebi et patribus essent, inhumanissima lege sanxerunt." Cic., De Rep., II. 37. See Liv., IV. 4.

[22] "Assiduo vindex assiduus esto. Proletario quoiquis volet vindex esto." Ap. Aul. Gell., XVI. 10.

[23] Aul. Gell., XI. 18.

[24] Gaius, Instit., III. 223.

[25] See Dirksen, Zwölf-Tafel-Fragmente, pp. 427, 73. Digest., lib. I., tit. II., II. 24.

[26] "Ne quis unciario fœnore," (ten per cent., says Niebuhr) "ampliu exerceret." Tac., Ann., VI. 16.

[27] Aul. Gell., XX. 1. See a Memoir by Berriat-St.-Prix, Mem. de l'Institut, Acad. Sc. Mor. et Pol., tom. V. pp. 547 *et seq.* 2e série.

[28] See note 22.

of it every year that he lived. To avoid debt was impossible, so long as the tax lay heavier upon the poor than upon the rich. Thus the possession of freedom, so called, was no security against the most terrible servitude.

Another mark of the iron hand upon the mass appears in the law of libel. "If any one," it proclaimed, "utter or write a line that can bring infamy or disgrace upon another, ... let him suffer capital punishment."[29] It seems to have mattered nothing whether the line, written or uttered, was one of truth. The Patricians did not choose to be either censured or slandered.

In some respects, the severity of the ancient usages was relaxed in the Tables. The wife was furnished with an expedient by which she could save herself from total subjection to her husband.[30] The son, when sold thrice by his father, was declared free.[31] The ward, even if a woman, received the right to share in the disposition of the property under guardianship.[32] Every heir was secured in his inheritance, while nothing could be more ample than the rights of the testator.[33] Even the client and the freedman obtained protection. If a freedman left a family, it, and not the patron, was to inherit whatever he had possessed.[34] "Whatever patron," declared the law, "shall do harm to a client, let him be accursed."[35]

[29] Cic., De Rep., IV. 10. Arnold (Hist. Rome, vol. I. pp. 288, 289, and note) doubts whether the capital punishment of the law signifies punishment by death.

[30] Gaius, Inst., I. 111.

[31] Ulpian., Frag., tit. X. 1.

[32] "Ipsa." Gaius, Inst., II. 47.

[33] Ulpian., Frag., tit. XI. 14.

[34] Ulpian. *et al.*, cited by Dirksen, Zwölf-Tafel-Fragmente, pp. 380 *et seq.*

[35] "Patronus si clienti fraudem fecerit sacer esto." Ap. Serv., ad Æn., VI. 609.

These were great concessions to be made by the Patricians or by their legislators.

"The law of the Twelve Tables," says the imperial jurist, "orders that he who excites the enemy, or who betrays a citizen to the enemy, shall be punished by death."[36] Here, at length, the code becomes common both to Plebeians and Patricians. However low were the former, however high the latter, they stood on the same ground in presence of the foe or of the alien. "Against the enemy," announced the Tables, "stands the law forever unyielding."[37]

Such were some of the provisions respecting the members of the Commonwealth. The ten Tables of the first year were laid by their compilers before the Centurias.[38] Solemnly accepted by this assembly, the laws were probably ratified with still greater solemnity by the Senate. The additional Tables of the second year were not so immediately confirmed. But to the occurrences attending the completion of the code we shall advert hereafter. Suffice it to note that the laws compiled by the Decemvirs could have no force until accepted by the Senate and the Centurias. That the decision of these bodies would be the decision of the Patricians rather than of the Plebeians was inevitable.

[36] Marcianus, ap. Digest., lib. XLVIII. tit. IV. 3.

[37] "Adversus hostem æterna auctoritas." "Hostis enim," adds Cicero, "apud majores nostros is dicebatur, quem nunc peregrinum dicimus." De Off., I. 12.

[38] Liv., III. 34. Dion. Hal., X. 57. Emmanuele Duni (Cittadino di Roma, lib. II. cap. 5) lays stress upon "la bella novità" of having the laws written.

The historian of early Rome speaks of the Twelve Tables as "the body of the whole Roman law."[39] This body, of course, was composed of various members.

First amongst them was the Jus Quiritium or Quiritian law. In this must have been originally comprised the rights and the forms adopted by the founders of the Roman state. But as institutions multiplied with years, the Quiritian law was confined to the more personal relations of the citizen. Under this, he held his liberty. Under this, he exercised his prerogatives as a husband and as a father. The right of property, so far as the citizen was concerned, likewise depended, in a great degree, upon the Quiritian law. He who possessed property without possessing citizenship was protected by the Public, that is, the Civil law.

In later times, the Civil law contained the Quiritian, as one of its components. But when the Twelve Tables were framed, the Civil law was distinguished from the Quiritian as the law of public relations. The private as well as the public privileges allowed to the subject classes may be supposed to have been conferred upon them by the Civil law. But the private relations of the Plebeians, for instance, were hardly such as to come within the scope of any law. The private relations of their superiors were regulated by the Quiritian law. The public relations of the ruling as of the subject classes depended upon the Civil law. By

[39] "Velut corpus omnis Romani juris." Liv., III. 34.

this the Patricians were invested with all their great prerogatives as magistrates and priests.[40] The Jus Pontificium, or Pontifical law, supporting all religious institutions, formed a part of the Civil law.[41]

So narrow proved the range of the Civil law, that a third law was found necessary to regulate the relations between the ruling order and its subjects. In time, the relations between the Roman, whether Patrician or Plebeian, and the alien, whether within or without the walls, came to be included in the Jus Gentium, that is, the law of Nations. "Our ancestors," writes Cicero, "saw fit that there should be a law of Nations and a Civil law. Nor can the two be altogether blended into one. But the law of Nations ought to prevail wherever it varies from the Civil law."[42] It was the generous heart that spoke in these words. The colder reason of subsequent jurists tells a different tale. One relates how "wars were introduced and how the divisions of mankind were confirmed by the law of Nations."[43] "In this law," says another, "originated slavery; but the benefit of manumission followed under the same law."[44]

[40] "Publicum jus in sacris, in sacerdotibus, in magistratibus consistit." Ulpian., ap. Digest., lib. I. tit. I. 1.

[41] Though it became a separate member of the Code. Thus Ausonius, in his triplets (Edyll. XI. 61), has

"Jus triplex, Tabulæ quod ter sanxere quaternæ,
Sacrum, privatum, populi commune quod usquam est."

[42] "Quod Civile, non idem continuo Gentium; quod autem Gentium, idem Civile esse debet." De Off., III. 17. See Gaius, ap. Digest., lib. I. tit. I. 9.

[43] "Ex hoc jure Gentium introducta bella: discretæ gentes." Hermogenianus, ap. Digest., lib. I. tit. I. 5.

[44] Ap. Ib., lib. I. tit. I. 4.

Many years after the adoption of the Twelve Tables, a new branch of law was introduced under the title of Prætorian.[45] Much of the judicial authority pertaining to the consulship had been transferred to the new office of the Prætors. Their edicts, published from year to year, at first contained only the formularies by which they proposed to administer justice. Eventually, the principles as well as the forms of law were introduced into the Prætorian edicts, which then assumed the aspect of "additions, supplements or corrections to the Civil law."[46]

All these members, excepting the Prætorian, entered into the body constituted by the Twelve Tables. Every member brought its contribution to the strength of the principle that served as a nucleus to the body at large. Visible and firm as the seven hills themselves were the statutes proclaiming the subjection of the inferior to the superior, of the superior to his order, and of the order itself to the Commonwealth. At the centre of the Roman code, as of the Roman state, was the principle of centralization.[47]

[45] Also called the Honorary, from the dignity of the magistrate from whom it emanated, and Edictal from the form in which it appeared. Strictly speaking, the Edictal and the Honorary law included other enactments besides the Prætorian.

[46] "Jus Prætorium est, quod Prætores introduxerunt, adjuvandi, vel supplendi, vel corrigendi juris Civilis gratia, propter utilitatem publicam." Papinianus, ap. Digest., lib. I. tit. I. 7.

[47] "This was that liberty renowned,
Those equal rights of Greece and Rome, where men,
All but a few, were bought, and sold, and scourged,
And killed."
POLLOK.

CHAPTER V.

VIRGINIA.

"Non his quibus turbaris contrariantur leges."
FORTESCUE, *De Laud. Legum Angliæ*, c. 32.

IT soon appeared how imperfectly the law sustained the liberty of the Romans. The very men by whom the code had been completed began to wear the look of kings.[1] Their two Tables were added to the ten of the previous year without being submitted to any body or to any individuals for confirmation. Still more arrogant was the conduct of the Decemvirs in delaying to summon an assembly to hold the elections for the ensuing year. Their term expired. But they continued, each with his twelve lictors, to usurp the functions claimed by the Patricians for their Consuls, and by the Plebeians for their Tribunes.[2] The rumor circulated that the Decemvirs intended to make their powers perpetual.[3]

To stand by them, there were the younger Patricians, probably with a large number of the inferior classes, conciliated by their promises or their lar-

[1] "Decem regum species erat." Liv., III. 36.
[2] Id., ib., 37.
[3] "Perpetuoque decemviratu possessum semel obtinerent imperium." Id., ib., 36.

gesses.[4] To oppose them, there seemed to be none. All the older Patricians are said to have retired to their possessions in the country.[5] The Plebeians, unable to withdraw themselves so readily or so generally, suffered from fines, from confiscations, and from executions.[6] It might have been doubted by the Romans whether the law had made them slaves or freemen.

At length the Senate received a summons to reassemble. Upon two sides the frontier was beset by enemies whom the Decemvirs were unable to repel without the general coöperation. It was almost as dangerous, however, to meet their fellow-countrymen as to meet their foes. Of the Senators, the majority must have been ripe for any measures of opposition to the men who had dared to humble the Patricians as well as to abase the Plebeians. Nor were they obliged to wait for leaders. At the opening of the session, over which the Decemvirs presided, Lucius Valerius, either the grandson or the grand-nephew of the People's Friend, took up the cause of the Patricians. The Decemvirs instantly interrupted him. At this, Marcus Horatius, descended from one of the greatest Patrician houses, cried out, "Ye are ten Tarquins! And it was by the Valerii and the Horatii that the kings were expelled! . . . . Beware!" he is said to have proceeded. "Men are thinking that they have nothing to fear compared with what they actually suffer!"[7] The

[4] "Licentiam suam," says Livy of the younger Patricians, "malle, quam omnium libertatem." III. 37.

[5] Liv., III. 38.

[6] Id., ib. 36, 37. See Dion. Hal., XI. 2.

[7] Liv., III. 39.

debate soon became tumultuous. But it led to no other result than a vote appointing a levy.

The enlistment immediately held by the Decemvirs encountered no opposition.[8] It was but natural for the Plebeians to lose courage when that of their superiors in the Senate seemed to have been overwhelmed. On every side, apparently, the Decemvirs triumphed. Yet their day was waning fast.

To be routed by the enemy was not so uncommon as the Romans would have had it appear. But never yet had a campaign been more disastrous than that on which the Decemvirs despatched their two armies. Under such generals, the soldiers could not but dread themselves as they dreaded their leaders. So utter was the rout of both the armies, that the hatred felt for the Decemvirs was lost in the terror of the common enemies.[9]

But defeat was small dishonor to the Roman troops in comparison with the outrages inflicted upon them by their own commanders. Hitherto, the soldier on duty had been spared from the injuries to which he might be exposed as a citizen. It was reserved for those from whom the Romans had accepted their laws, to prove that there was no station in which their rights or their lives could be secure. Amongst the few resolved to defend themselves against the continual aggressions of their rulers, was a Plebeian, Sicinius Dentatus. So valiant in the field as to have won the name of the Roman Achilles,[10] so steadfast in the Forum as to have car-

[8] Liv., III. 41.
[9] Id., ib. 42.
[10] Pliny's account of his exploits is the portrait of every Roman hero

ried the cause of his order against the power of the Patricians and their Consuls,[11] Sicinius now dared resistance to the Decemvirs. "Let us have our Tribunes!" he is reported to have urged upon his comrades. "If needs be, let us secede!"[12] He was more courageous than his oppressors. For they, not venturing to seize him openly, sent him out with a party instructed to despatch him upon the march. A military funeral was then ordered, for the purpose of preventing the transportation of his corpse to the city, where his friends and adherents would have had a better opportunity for revenge.[13]

When the strongest could be thus suddenly stricken down, the weakest could not go unharmed. A Centurion[14] in one of the legions had left behind him a daughter of exceeding beauty under the protection of her affianced lover, Lucius Icilius, the distinguished Tribune of six or seven years before. With him Virginius trusted that the fair Virginia would be safe, even though Appius Claudius remained to wreak fresh wrongs at Rome. Doubtless, Icilius was able to protect himself. But to protect a maiden, one of a sex wellnigh enslaved to their fathers or their husbands, was another matter. Many would have stood by their former Tribune had he been assailed. But there was nothing to cause any unusual commotion when Virginia was brought be-

of the times. Nat. Hist., VII. 29. So Val. Max., III. 2. 24.

[11] Dion. Hal., X. 36 *et seq.*

[12] "Tribunorum creandorum secessionisque mentiones." Liv., III. 43.

[13] Liv., III. 43. Dion. Hal., XI. 25 *et seq.*

[14] Diodorus (XI. 24) calls Virginius a Patrician.

fore the tribunal of Appius Claudius as the property of one of his clients.

A crowd, however, gathered to hear the client's claim and the patron's decision. Appius had but just adjudged Virginia to be the bondmaid of his retainer, when her lover appeared. Icilius called upon the spectators to interfere. He declared the wrong done to his betrothed to be done to him, and the sympathy which the maiden's anguish had not excited was stirred by the Tribune's appeal. The Decemvir bade his lictor arrest the noisy Plebeian. "Thou must slay me," shouted Icilius to Appius, "if thou wouldst have thy way. . . . . Nor shalt thou proceed except thou murder, not me alone, but these my friends around me!" The spirit of the former Tribune shook the obstinacy of the Patrician. Affecting to sneer at the temper "that was ever on the watch for a chance of sedition," Appius postponed his final sentence for twenty-four hours.[15]

Understanding that Icilius desired delay in order to call home Virginius, the Decemvir sent to bid his colleagues detain their Centurion under arrest. "As was right," says the historian, the order arrived some hours after Virginius had left the camp for the city. Early in the morning he came forth into the Forum. With him was his daughter, surrounded by a troop of women whose sympathies were moved by their experiences or their apprehensions of the same oppression as that weighing upon

[15] Liv., III. 44–46.

her. "Their silent tears," remarks the warm-hearted narrator, "touched the bystanders more than any words." But the Decemvir, insensible to the tears of the women who wept as to the words of the men who argued for Virginia, declared her to be his client's lawful property. The father refused to surrender his child. "Go, then," cried Appius to one of his lictors, "disperse the crowd and open a way for the master of yonder slave!" At this the crowd slunk off. But not until he had stabbed his daughter dead did Virginius fly.[16] From the broken spirits of those in the city he had no hope of aid. He went to demand it from his comrades of the army.

Had there not been other events to excite the Romans, they would not have risen against the Decemvirs simply to avenge a maiden's fate. It is the sentiment of later generations that has been so touched by the death of Virginia as to have imagined the surviving nation intent upon nothing but bringing her persecutors to punishment. A single wrong decided the oppressed Romans to set themselves free. But their decision had been prepared amidst repeated afflictions. Properly, the name of Virginia belongs to but a scene in the tragedy of many days, and months, and years.

One band, returning from the field with Virginius, appeared at the city gates, through which it marched on to the Aventine. Icilius and Numitorius, the lover and the uncle of the murdered maiden, follow-

[16] Liv., III. 46–48. As Alfieri says:—

"Un padre omai Romano troppo."

Virginia, Att. III. sc. 3.

ing the father's example, hurried to the other army, which, like the first, was left by many of its soldiers hastening back to Rome and through the city to the Aventine. There the troops were joined by their comrades of the city. All were Plebeians. None others would have followed the father or the lover of Virginia. For their leaders, the confederates chose twenty military Tribunes, of whom two were selected to conduct the negotiations that might be opened with the Patricians.[17] Upon most of these, the Plebeians probably relied as allies against the Decemvirs.

The position upon the Aventine was presently abandoned for a more commanding one. Remembering what their fathers had done five-and-forty years before, the Plebeians set forth, with their wives and children, to encamp upon Mons Sacer.

Thither they were followed by Valerius and Horatius, the first of their order to beard the Decemvirs, and again the first to advocate the union of their order with that of the Plebeians. Such envoys were gladly welcomed. To them, Icilius is reported to have stated the grievances which the Plebeians were resolved to redress. "Yonder Decemvirs," he declared, "must be given up to our vengeance!" Then followed the demands of the seceders. "We must have our appeal!" cried the spokesman. "And our Tribunes! And one of our order must be elected Consul with one of yours!"[18] This was going too far. "Ye need a shield rather than a sword," was

[17] Liv., III. 48–51.

[18] Τῶν δὲ ὑπάτων τὸν ἕνα πάντως ἀπὸ τοῦ πλήθους καθίστασθαι. Diod. Sic., XII. 25.

the temperate reply of the Patricians. At their instance the Plebeians were contented with demanding the deposition of the Decemvirs and the restitution of the Consuls and of the Tribunes of former days.[19]

Straightway the Senate assented. The Tribes, accordingly, were formally convoked to meet and elect their Tribunes; a summons that ended the secession. The whole band from the Sacred Hill marched back and up again to the Aventine, then crossed, still under arms, to the Capitol, and there, under the presidency of the Chief Pontiff, with such Patricians as chose to join them, the Plebeians elected ten good men to be their Tribunes.[20] Virginius, Icilius, and Numitorius were of the number. A more formal meeting of the Tribes was soon after held, in which, as the national assembly, the ratification of the terms lately granted by the Senate, and the convocation of the Centurias to choose the two Consuls, were both proposed and carried.[21]

Then the Centurias assembled. The envoys at whose persuasions the seceders had preferred demands that could be granted received their merited reward. Valerius and Horatius were elected Consuls.

Amongst the model men of Rome none appear worthier than Valerius and Horatius. After having been portrayed as the antagonists of the Decemvirs and the advocates of the seceders, they are represented in the ancient chronicles as the Consuls to

[19] Liv., III. 52, 53.

[20] A fragment of Cicero (Pro Corn., I.) supplies our narrative: — "In Aventino consederunt; inde armati in Capitolium venerunt; decem tribunos plebis per pontificem, quod magistratus nullus erat, creaverunt." Cf. De Rep., II. 37.

[21] Dion. Hal., XI. 45.

whom the welfare of the Plebeians was the chief object of exertion. Of the laws bearing their names, one confirmed to the Tribes the right of legislation.[22] Another reiterated the right of appeal. A third guaranteed the inviolability of the Plebeian magistracies, especially of the tribuneship. A fourth law confided the acts of the Senate to the care of the Ædiles, in whose keeping the Plebeians may have believed that the acts would be better protected against interpolation or suppression.[23] Such measures could proceed from none but "wise friends," as Cicero calls them, "of the people."[24] That they were confirmed by the Centurias, the Senate, and the Curias, proved that the Consuls were not the only Patricians who sought peace with the Plebeians.

The truth was, that both the estates had suffered too much in common during the reign of the Decemvirs, not to rejoice in common at their overthrow. Not only did the day of terror seem to have passed. But the day of discord, likewise, appeared to have declined.

Even the fallen tyrants and their partisans were treated with comparative lenity. Appius Claudius was first brought to trial; and at the command of Virginius, now armed as Tribune against the simple citizen, the guilty Decemvir was committed to prison, where he died.[25] Only one of his colleagues met

[22] Subject, of course, to the assent of the Senate and the Curias. Dion. Hal., XI. 45. Liv., III. 55.

[23] "Quæ [Senatus-Consulta] antea arbitrio consulum supprimebantur vitiabanturque." Liv., III. 55. The other laws are mentioned in the same place. See, further, Cic., De Rep., II. 31.

[24] "Hominum concordiæ causa sapienter popularium." Id., ib.

[25] By his own hand, says Livy (III. 58); by the Tribunes' command, says Dionysius (XI. 46).

the same fate. The others escaped with confiscation and banishment. As for the client who had claimed possession of the hapless maiden, he was allowed to fly beyond the reach of punishment. Marcus Duilius, a leader in the secession, and one of the Tribunes elected at its close, openly declared that sufficient retribution had been exacted.[26] "The soul of Virginia," says the Heathen historian, "happier in death than in life, found rest, at last, when the required vengeance was fully paid."[27]

But was the law vindicated? Did the overthrow of the Decemvirs leave the code which they had been compiling, in its promised majesty? The laws had not saved Virginia. Neither had they avenged her. Her fate stood as a warning to the strong that they must seek their liberty through revolution.[28] The weak were warned that their liberty must be sought in death. This was no vindication of the law for which the weak had longed and the strong had struggled, year after year, at Rome.

[26] Liv., III. 59. Dion. Hal., XI. 46. [27] Liv., III. 58.

[28] "And see, proud Appius, see!
Although not justly, I have made her free!"
Virginius, in WEBSTER'S *Appius and Virginia.*

CHAPTER VI.

RIGHT TO THE AUSPICES.

Li cittadin della città partita.

Inferno.

The Plebeians were in the full tide of success. Whether they trusted in the law or not, they must have been thoroughly confident of their ability to right themselves. They did not stay to examine how far the issue of the recent commotions was ascribable to the Patricians. All they knew was, that they had triumphed.

The first consequence was the effectual development of the magistracy in which the Plebeians most confided. Never had the Tribunes assumed, much more sustained, a loftier position than in the year succeeding the death of Virginia. One of their number, Marcus Duilius, carried a bill securing the annual election of Tribunes from all possibility of interruption.[1] Another, Lucius Icilius, took the lead in persuading the Tribes to vote the Consuls a triumph refused by the Senate.[2] Many

[1] In terms as follows:—"Qui plebem sine tribunis reliquisset .... tergo ac capite puniretur." Liv., III. 55.

[2] Id., III. 63.

of the Tribunes, as the end of their term approached, made bold to present themselves for reëlection. Nor was any opposition offered until Marcus Duilius, who had been in office when some of his present colleagues were but boys,[3] refused to permit the prolongation of their terms. The stanch old Plebeian, however, was unable to subdue the wrangling which the election, perhaps because the Patricians and their clients were taking part in it for the first time, excited on all sides. Five Tribunes only were chosen by the people; and when it was proposed to add the whole ten in office to their number, Duilius dismissed the assembly, saying it was the duty of the five elected, not of the Tribes or the former Tribunes, to complete their number.[4] Amongst the five then chosen, as it were supplementarily, were two Patricians, who had both been Consuls.[5] A singular proof was this of the importance now attached to the tribunate. But the Plebeians had no idea of sharing the office with the Patricians. One of the eight with whom the two Patricians had been created colleagues brought forward a new law. By this the tribunitian elections were forbidden to be closed until the full number of ten magistrates should be chosen by the Tribes.[6]

What the Plebeians had been able to add to their liberty was but little in comparison with its possible increase. It was no longer to be broken

[3] Having been elected Tribune more than twenty years before, at the first election by the Tribes. Liv., II. 58.

[4] Id., III. 64.

[5] Id., ib. 65.

[6] The law was called the Trebonian after its proposer. Id., ib.

by force. But it was bent so much as to be in danger of being broken by the weight of superstition still lying upon it. To throw off the second burden as they had thrown off the first, was yet to be done by the Plebeians and their Tribunes.

A few years pass; and Caius Canuleius becomes Tribune.[7] He soon prefers a bill to repeal the restriction upon intermarriage between Patricians and Plebeians.[8] The retort of the Consuls against the Tribune, as he urges his cause, that the Plebeians have nothing to do with the auspices, proves that Canuleius introduced the question of intermarriage because it led most directly to that of the auspices which he rather wished to demand.[9] He was thus the leader of the Plebeians in their conflict with the superstition by which they were oppressed.

To claim the auspices of the marriage ceremony was to claim the right to all the private auspices, as they may be styled. The right to the public auspices was immediately preferred. Eight of his nine colleagues united with Canuleius in laying a second bill before the Tribes, providing that the Consuls should be chosen indiscriminately from both estates of the Commonwealth.[10] The Plebeians could not, of course, be Consuls without obtaining the public auspices.

Resistance was to be expected; and it soon appeared. But when wars and enlistments began to

[7] A. C. 445.

[8] Cic., De Rep., II. 37. Liv., IV. 1.

[9] Liv., IV. 1, 6. "Plebes maxime indignatione exarsit, quod auspicari, tanquam invisi diis immortalibus, negarentur posse."

[10] Liv., IV. 1. Dion. Hal., XI. 53 *et seq.*

be rumored, in order, says the historian, to silence the Tribunes, Canuleius, standing without the open door of the temple in which the Senate were assembled, swore that, so long as he lived, there should be neither enlistment nor war, until the Tribes had been allowed to decide upon the bills proposed by himself and his colleagues. The menace being unheeded, and some severe action on the part of the Senate or the Patricians perhaps ensuing, an insurrection of the lower order broke out under the direction of Canuleius. Of the sad and furious scenes that followed, but one remains reported, in which we see the Janiculan hill beyond the Tiber in the possession of an armed and angry multitude.[11]

In the midst of these tumults the bill concerning the marriage of the Plebeians under auspices became a law. Consequently their right to the private auspices was acknowledged.[12]

But the right which they had claimed in relation to the public auspices was still disputed. As if to stave off their demands upon the consulship, their Tribunes were invested with the power of taking the auspices before the Tribes.[13] This was but a partial concession. Nor did it quiet the clamors of those who demanded more. But the Patricians were determined to yield no more.

[11] Florus, I. 25.

[12] It is in this connection that Duni's ingenious theories are to be most clearly accepted: — "Il dritto del connubio veniva ad essere, come un fondamento de' dritti civili" (cap. VI.); because, as he says, "l' originaria di lui [il cittadino Romano, era] fondata sulla ragione degli Auspicj." Cittadino di Roma, cap. IV.

[13] Zonaras, VII. 19.

Some of them went so far in a secret meeting from which Valerius and Horatius, the old friends of the Plebeians, absented themselves, as to propose the murder of the Tribunes. The humaner Patricians resisted the proposal. The wiser ones declared that such a course, though approved and executed, would have no other effect than to stimulate the Plebeians. The ultimate success of their demands to the public auspices must have been anticipated. For the Patricians, the more severe as well the more moderate, came to the determination of creating a new magistracy in place of the consulate, as the only means of foiling, at the same time that it satisfied the Plebeians.

The Senate immediately passed a decree ordering the election of Military Tribunes with Consular Power. Three were to be taken from each estate to make up the number of six by whom the dignities of the new office were to be shared.[14]

As had been foreseen, the Plebeians were perfectly contented; and the decree was accepted more willingly, it appears, by the Centurias, in which they voted, than by the Curias, in which the Patricians would resist the surrender of the consulship. Three Patricians were elected to the military tribunate. But of the numerous Plebeian candidates, none were returned, perhaps because they were so many that the suffrages of their order were scattered, or else because the Centurias, by which the election was made, were too much under Patrician influ-

[14] Liv., IV. 6. Dion. Hal., XI. 60.

ence to throw a sufficient majority of votes in favor of Plebeians.[15] The three Patricians took the place of the retiring Consuls. It was as much to their indignation as to that of the disappointed Plebeians to discover the inferiority of the military tribunate to the magistracy which it had but nominally displaced. The consular power wherewith the new Tribunes were invested extended to military affairs alone. All that was judicial, all that was sacerdotal in the authority of the Consuls, fell to the ground. The right to the public auspices was no more in the possession of the Military Tribunes than in that of the Tribunes of the Plebeians. Apparently, the Plebeians forbore any further attempts to elect their quota to the posts concerning which they had been outwitted. At all events, the Patrician Tribunes resigned before a quarter part of the year had elapsed. Two Consuls were then elected just as of old, by the Centurias.[16]

The institution or the proposal of the censorship to take the Census, hitherto conducted by the Consuls, was one of the detractions from the consulate, in order to adapt the military tribunate to the meaner station of those to whom it was committed. The Censors, two in number, were to be chosen, like the Consuls, from the Patricians by the Centurias, but, unlike the Consuls, they were to hold their office for five years.[17] The

[15] Livy (IV. 6) believes the failure of the Plebeian candidates to have been caused by the "modesty, equity, and magnanimity of the people." Plutarch is quite as simple in his account of the office. Cam., 1.

[16] Liv., IV. 7.

[17] "Censuræ initium, rei a parva origine ortæ." Liv., IV. 8. Cf. Cic., De Leg. Agr., II. 11; De Legg., III. 3.

character of the new magistracy will soon be made more clear.

The efforts of Canuleius had been but partially successful. Yet he had triumphed in all that was essential to future victory on the same field. If he had not established the right of the Plebeians to the public auspices, he had made them participators in the private auspices. Thenceforth the yoke of superstition was loosened for the Plebeians.

CHAPTER VII.

ACTION AND REACTION.

"This frame is raised upon a mass of antipathies."
SIR THOMAS BROWNE, *Rel. Med.*, Pt. II. s. 7.

POLITICAL progress could not save the rising estate from personal distress. Many a voter in the Tribes, many an actor in the disorders issuing from the election or the legislative measure, was shivering for raiment or hungering for food. More than one of the leaders in the Plebeian struggles may have had naught besides his energy or his fame to depend upon for subsistence. Where men so suffered, women and children must have been far more grievously afflicted.

Nor would the personal trials of the Plebeians fail to react upon their political fortunes. They could not keep up a tumult when they were starving. They could not persevere in carrying a bill or completing an election when they or their families were without the necessaries of existence. Their spirits drooped. Their claims faltered. Their rights were violated; and they made no defence. Their

hopes were frustrated; and they made no exertion. Such leaders as they had soon found a very different work to do from that done by their immediate predecessors.

But two years had gone by since the term of Canuleius in the tribunate expired, when a certain Pœtelius was elected Tribune.[1] By him were renewed the long interrupted demands for assignments from the public lands. It was the first step towards the relief of the poorer classes. For the more prosperous Plebeians, Pœtelius urged their often-abandoned and often-eluded claims to the military tribunate. So much did he please both parties that they united in reëlecting him. He continued to press the same measures. At one time, he had succeeded so far as to obtain a pledge from the Consuls that they would lay the matter of the military tribunate before the Senate. But there were few of his order to support Pœtelius in advocating their right to office. Their right to sustenance and shelter was more important to the great majority. Not carrying his point concerning the public lands, the Tribune failed in his exertions with respect to the military tribunate. He was laughed at, says the historian, for his pains.[2]

Not long afterwards,[3] both the numbers and the distresses of the suffering classes were greatly augmented. A famine occurred, so general and so destructive that the Patricians were obliged to take ex-

[1] A. C. 442.
[2] "Ludibrioque erant minæ tribuni." Liv., IV. 12.
[3] A. C. 439.

traordinary measures in order to save themselves as well as their inferiors.[4] While prices were still beyond all precedent, and yet not high enough to command the grain of which there was no public provision in the city, a wealthy Plebeian Knight, named Spurius Mælius, threw open his private stores.

If there were any Plebeian account of Mælius, he would appear in a different light from that in which he was portrayed by the Patrician chroniclers. According to these, he hungered after authority more keenly than the needy whom he supplied hungered after bread. He would be Military Tribune, declared some of the Patricians who beheld his magnificent charities. Others made him out to be aspiring after the consulate. Others still declared he was going to proclaim himself king. The spectacle of so much earnestness in the relief of the perishing was sure to confound most of the Patricians.

One of them, Lucius Minucius, lately appointed to the prefecture of the markets, came forward to accuse Mælius. Perhaps the Prefect was sincere. But it looks as though he had been provoked by the success of the Plebeians in procuring supplies, or by the generosity shown in distributing them, all the while that his own official proceedings had been unsuccessful. "This Plebeian Knight," declared Minucius, before the Senate, "this Spurius Mælius is aiming at a throne!" The Patricians believed the charge. Were it not true, they would reason, how

[4] "Multi ex plebe, spe amissa, potius quam ut cruciarentur trahendo animam, capitibus obvolutis se in Tiberim præcipitaverunt." Liv., IV. 13.

could it have happened that Mælius had offered none of his abundance to them? His squandering it upon the Plebeians was a proof of his seditious designs against the Patricians. "Ay!" interposed the Prefect, "and there have been weapons collected in his house! And meetings have been held there! And the Tribunes have been bought over with his gold!"

At the nomination of one long before proved to be a friend of the Plebeians, Quinctius Capitolinus, and now Consul for the sixth time, Quinctius Cincinnatus, the most vindictive of the Patricians, was appointed Dictator.[5] With all his passion, the old man hesitated to undertake the office. But his doubts were soon overborne. He named Servilius Ahala to the mastership of the Knights, then ordered the Capitol and the fortresses of the city to be occupied by the Patricians and their retainers under arms.[6]

On the following morning, the Dictator proceeded to the Forum. There the Master, Servilius Ahala, ordered the appearance of Spurius Mælius to answer to the charge of treason. On the one side stood all the more violent Patricians, determined, now that they had a Dictator of their own mind, to make an example of the ambitious Plebeian. On the other side were gathered the more depressed Plebeians, too feeble or too bewildered to defend their bounteous benefactor. Seized by one of the Master's attendants, Mælius called the bystanders to his res-

[5] Liv., IV. 13.

[6] The occupation, probably ordered by the Dictator, is told by Zonaras, VII. 20.

cue. But Servilius Ahala, fierce and impatient, dashed, with a band of armed companions, into the very centre of the crowd, and slew his victim. Cincinnatus, after lauding Ahala for having saved the Commonwealth, ordered the people to be grateful that they had not lost their liberties, as he said, "for a few pounds of meal."[7] The house of the murdered man was demolished. His property was confiscated, and his stores of corn were given out, at a nominal price, to the populace. Minucius, the Prefect, in whose name the grain was distributed, gained so much favor as to be considered, says the historian, an eleventh Tribune.[8] It seems as if the Plebeians preferred their foes to their friends.

But this could not continue. Three years afterwards[9] a namesake of Spurius Mælius was raised to the tribuneship. He stood forth as the champion of the memory until then obscured with wrong. Lucius Minucius was arraigned for having borne false witness against the murdered Plebeian. Servilius Ahala, accused of having slain an innocent citizen, was threatened with confiscation and exile. The second Mælius, more fortunate than the first, carried his cause despite the power of his adversaries. What was the result of the charges against Minucius does not appear. Servilius Ahala was obliged to go into banishment.[10]

It was about two years from this reaction in favor of the Plebeians, that Mamercus Æmilius, one of

[7] Liv., IV. 15.

[8] This is all that can be meant by the tradition to which Livy refers (IV. 16). Minucius received other marks of favor, and finally became a Plebeian.

[9] A. C. 436.

[10] Liv., IX. 21. Val. Max., V. 3. 2.

the highest Patricians, received the appointment of Dictator for the second time.[11] Desirous, as the historian remarks, of doing something in peace to distinguish his dictatorship, Æmilius carried a law through the upper assemblies, reducing the term of the censorship from five years to eighteen months. So dangerous had the office, though only nine years old, become to the liberties even of the Patricians, that the measure of the Dictator must have been universally welcomed. It was all the more distasteful to the Censors then in office. No sooner had Æmilius resigned his dictatorship, than they not only removed him from his Tribe, but imposed an enormous fine upon him as an Ærarian, that is, as one belonging to none of the Tribes. This was styled the mark of the Censors. It could not be effaced until the term expired of those who made it.[12] While it lasted, it was the most striking sign, since the overthrow of the Decemvirs, in relation to the extravagant powers conferred upon their magistrates by the Patricians. The Dictator humbles the Censors. Whereupon the Censors degrade the Dictator.

While the ruling class was divided, the rising order was generally united. It was frequently proved how much the power of the Plebeians resembled that of the citizens in the tragedy, in being a power that they had no power to do.[13] Sometimes, however, the military tribunate, still substituted at intervals for the consulate, seems on the point of opening to the

[11] A. C. 434. Liv., IV. 17, 23.
[12] Liv., IV. 24, 31.
[13] Coriolanus, Act II. sc. 3.

Plebeians.[14] Again a law is put forward to counteract the ambition or the intrigue of the Patricians.[15] Still later, the Tribunes, being called upon by the Senate to oblige the Consuls to appoint a Dictator, are able, for once at least, to play the part of superior magistrates, and to declare it fit for the Consuls, as their inferiors, to obey the Senate.[16] So were the shoots encouraged, and the buds expanded as by an advancing spring.

Then the frost sets in. The Tribunes quarrel with one another, and the interference of one or two amongst them is sufficient to hinder the projects of the rest.[17] Some or all are heard complaining about the pusillanimity of their constituents and the sinking condition of their common liberties.[18] Troubles break out amongst the lower classes. The rumors of a conspiracy on the part of the slaves[19] sound as if hardship and violence were becoming more general. From the public places where these reports are spread and these troubles witnessed, the transition would be slight to private scenes of affliction and of apprehension.

Notwithstanding the reaction thus operating against

[14] As in the first year (A. C. 433) after the deposition of Æmilius: — "Tribuni plebis, assiduis concionibus prohibendo consularia comitia, quum res prope ad interregnum perducta esset, evicere tandem, ut tribuni militum consulari potestate crearentur: victoriæ præmium, quod petebatur, ut plebeius crearetur, nullum fuit: omnes patricii creati sunt." Liv., IV. 25.

[15] As in the next year after that just referred to (A. C. 432), when the candidate is prohibited from wearing a whiter robe than usual, "tollendæ ambitionis causa." Id., ib. 25.

[16] Id., ib. 26.

[17] Compare Id., IV. 42, 48, 53, etc., with V. 25, 29, etc., and note the mention in Zonaras (VII. 15) of the decline of the tribunate.

[18] See, especially, Liv., IV. 25, 35, 44.

[19] Id., IV. 45. Dion. Hal., XII. 6.

the Plebeians, they could no longer be treated as their fathers had been. When Publius Postumius, a Military Tribune with Consular Power, obtained command of an army directed against some stirring enemy, he appears to have promised himself the exercise of the most absolute authority. After promising to share the booty of the campaign with his troops, he refused to make any division of the spoils. Not content with lording it in the camp, he hurried to Rome to oppose the project of settling his soldiers on the territory which they had conquered. Before the Tribes he declared that he would scourge his men like slaves, if any of them dared to move in favor of the scheme. But the Tribune had gone too far. Blamed by the Patricians, reproached by the Plebeians, Postumius returned to his camp, where his words had already raised a mutiny. In endeavoring to restore order, he was stoned and slain. So great, however, appeared the provocation which he had offered that but few of the mutineers were brought to punishment. The Plebeians murmured at seeing any of them doomed. "Laws against us," they complained, "are always sure of being most swiftly executed."[20] The complaint implies the resolution of the Plebeians to have their full share of justice from the laws.

Among all the advocates of an Agrarian law during these passing years, none seems to have been more active than Marcus Mænius, in his tribuneship, four years after the murder of Postumius. He stood alone resisting, in spite of nine colleagues

[20] A. C. 413, 412. Liv., IV. 49–51.

against him, the consular levy, and determined to resist it, until, as he said, the public lands should be surrendered by their unjust occupants. His exertions were fruitless; yet he acquired so much popularity by them, that he appears to have been tempted to seek the military tribuneship for the following year.[21] The Patricians were sufficiently alarmed by his pretensions to contrive that the elections should be held for Consuls, who could be chosen only from themselves. However Mænius bore his disappointment, the Plebeians showed more than ordinary mortification at being again outwitted.[22] More than thirty years had gone by since the first Military Tribunes with Consular Power were chosen from the Patricians. Not a Plebeian had yet been raised to the office.

The first amends to the neglected privileges of the Plebeians came through the medium of another magistracy. This was the quæstorship, to one part of which allusion has been made in mentioning the Quæstors of Parricide; the other part, so to speak, being in the hands of Quæstors of the Classes,[23] that is, of the Treasury. These latter, two in number, like the former, acted as the treasurers of the Commonwealth, under the direction of the Senate. At about the present period two more were appointed to serve as paymasters to the army, under the supervision of the Consuls.[24] No inherent dig-

[21] Liv., IV. 53.

[22] Id., ib. 54.

[23] Plut., Publ., 12. See Niebuhr's Hist., vol. II. p. 195.

[24] A. C. 446. "LXIII. anno post Tarquinios exactos, ut rem militarem comitarentur." Tac., Ann., XI. 22. "Ut, præter duos urbanos quæstores, duo consulibus ad ministeria belli præsto essent." Liv., IV. 43. Livy's date, however, is twenty-five years later.

nity in the quæstorship excited the Plebeians, when the number of the financial Quæstors was doubled, to demand that two of the four should be elected from their estate. Nor was it the value of the office in itself that rendered the Patricians anxious to change the form of the Plebeian claim, in such a way as to make either estate eligible, which, as it left the election of Plebeians optional, rendered their elevation virtually impracticable. But the retiring Quæstor was admitted to the Senate; so that the Plebeians were seeking to be Senators far more than to be Quæstors, while the Patricians were too zealous to keep the Senate free from Plebeians to allow them to enter the quæstorship. For some years, the four Quæstors were chosen just as the two had been. But in the election following that which disappointed the Tribune Mænius, three Quæstors of the Treasury were elected from the Plebeians. It was opening the way to higher honors.[25]

Reaction against the Plebeians was not yet over; but its character was of altogether a milder kind. It might happen, as it did a few years subsequently, that the Patricians were able to control an election of Tribunes so as to secure the choice of candidates whom they preferred.[26] But there was no longer a lack of hearts or voices to uphold the prerogatives of the Plebeians, nor did they think any of these more precious than the

[25] A. C. 408. "Patefactus ad consulatum ac triumphos locus novis hominibus videbatur." See the whole account in Liv., IV. 55. "Henceforward," says Niebuhr, somewhat prematurely, "the Roman people was victorious over the Patricians." Vol. II. p. 196.

[26] Liv., V. 10.

nomination of their own good magistrates. "Is the matter come to such a pass," cried Trebonius, a Tribune, and the namesake of him whose law provided the security of the tribunitian elections, "to such a pass that our Tribunes are to be Patricians or Patricians' slaves?"[27] And the answer was returned from the people, in spite of every effort to close their mouths, when, at the end of the year, four of six Military Tribunes were elected from the Plebeians.[28]

The turn in the tide, politically, implies a corresponding turn, personally. Had not the fortunes of the Plebeians revived in private, they could not have thus revived in public. It may have been the longer intervals of peace that gave the soldier the chance of becoming a laborer. Or it may have been the richer rewards of warfare that gave him the opportunity of becoming a proprietor. In either case, the danger and the distress that had prevailed amongst the lower classes were partially relieved.

[27] Liv., v. 11.

[28] A. C. 399. Liv., v. 12. For the fact that four were Plebeians, see Arnold's Hist., ch. XIX. note 9.

CHAPTER VIII.

NATIONAL POWER.

"In peace the people, and the prince in war:
Consuls of moderate power in calms were made;
When the Gauls came, one sole Dictator sway'd."

DRYDEN.

WE have heard too much of enlistments and campaigns to imagine that the attention of the Romans was concentrated upon personal or upon political interests. There were times when the poor forgot their poverty, and the inferiors their inferiority; times when the superiors ceased asserting their superiority, and the rich their opulence. The debtor and the creditor had then but one cause to espouse. The Patrician and the Plebeian had then but one order to uphold. All were Romans, if not of the same degree, at any rate of the same nation. The cause of all was the maintenance and the extension of the national power.

When the Patricians held all the freedom as well as all the authority of the state, they had the power of an order, rather than that of a nation, to sustain. So the Plebeians, when debarred alike from freedom

and from authority, were bound to support the power of an order, in other words, of their superiors, rather than that of a nation in which they themselves were numbered. If they acted independently, they were equally confined to the defence of an order, in other words, of their own body, not yet admitted as a part of the nation. But things were changed. The order no longer stood out as the solitary object for the Patrician or the Plebeian to defend. Since the latter had gained, since the former had conceded, the liberty that has been described, there was for both a national power to be maintained and to be extended.

It is common to say that the national power is made up of the individual powers possessed by the members of the nation. Nor is this to be denied in the case of the Romans. Whatever measure of spiritual, intellectual, or physical power belonged to the individual, went to constitute the power of the nation.

Yet it is true of the Romans as of all ancient races, that their national power rested upon the restriction rather than upon the development of their individual powers. What they might have done for or by themselves was frequently either directly forbidden or indirectly prevented by the necessity of devoting themselves to the national power. The capacities which it required in its service were the only ones to be developed in individuals. Those which it did not require were neglected, if not repressed.

Now the capacities thus restricted amongst the Romans were manifold. Almost all the spiritual powers were of the number. Obedience was the only

real exception. To be able to exact it was one power. To be able to render it, was another. Both, however, depended upon physical rather than upon spiritual supports. Virtue itself was but physical valor.[1] So with the intellectual powers. Not many of the higher abilities of the mind were in exercise. Those that were, received their support and their guidance from physical means. The legislator framed his law to meet the physical wants of the nation. It was then maintained by physical defences against such as should attempt resistance. All that the judge, all that the general did, may be said to have been done with the same reference to physical power. The intellectual strength that is above all physical necessities had but seldom appeared.

Whatever intellectual, whatever spiritual powers were neither slighted nor subdued in the individual went to make up the power of the nation. But it consisted far more in physical powers than in any others. However inferior the Roman was, spiritually or intellectually, he was full of physical vigor. No one could be a more effective laborer in his line. He did not labor at the loom or at the anvil. Neither were his toils at the plough those of the patient husbandman. But for endurance on the march and in the Forum, for iron-sinewed perseverance through all the commotions of civil life and all the hardships of military life, the Roman was unsurpassed. The powers which each man exercised in these

[1] "Now in those days valiantness was honored in Rome above all other virtues; which they called Virtus, by the name of Virtue itself, as including in that general name all other special virtues besides. So that Virtue in the Latin was as much as Valiantness." Plut., Cor., 1, North's translation.

ways formed the principal ingredients in the power of the nation.

How truly this national power had its source in centralization, is evident. Its very existence depended upon the repression of many faculties in order to bring out a few. The individual might strive here or sorrow there. But the powers which he longed or which he seemed to exert, apart from other members of the nation, were set aside, often condemned. Not of such powers was the national power composed. Not of such, therefore, was the exercise to be encouraged, even if it were allowed.

The result of the national power will be found the same as its source.

Its increase is first to be traced. We know where to look for it. The energies to achieve it were those which triumph upon the battle field. All the more certainly would they be exerted there, in consequence of being unmingled with intellectual or spiritual energies that would have disturbed their action.[2]

Of the various nations nearest Rome, the Latins and the Hernicans appear to have been the only allies, according to the treaties of Spurius Cassius. On the east, the Sabines were so completely defeated by Horatius, the Consul at the time of the Decemvirs' fall, that they were glad to keep on terms of peace for many a succeeding year. The Æquians and the Volscians, towards the south, were more persevering in their hostilities; and the contest between them and the Romans, after long fury and

[2] "Un popolo d'eroi." GUIDI.

variable fortune on either side, was still undecided at the period of our present observations. On the north also, the Etruscans were continually in arms, and often to the disadvantage of the enemies whom they had once, under Porsena, actually vanquished. But the great conquests of the century after the secession were on the Etruscan side. Fidenæ fell; the great city of Veii yielded after a siege of over nine years; and the Roman outposts were pushed near the Ciminian hills, thirty or forty miles northwards.

The military organization of the nation was assuming more definite forms. The decision upon war at any time became a national procedure. Originally, it had been within the province of the Senate alone. But it was gradually transferred to the cognizance of the Centurias [3] and of the Tribes.[4] It was at the beginning of the contest with Veii that the troops of the Commonwealth were first regularly paid.[5] Not long after the troops went into their first winter quarters at a distance from home.[6] From the beginning, the shapes and sounds of warfare had penetrated into the avocations usually the most devoted to peace. The song of the Fratres Arvales, the Brothers of the Fields, is an appeal to Mars, the god of war, that he would bless the labors of the plough and the pruning-hook. So the procession winding through the cultivated lands in the spring-time in order to insure the fruits of the

[3] Liv., IV. 30.
[4] Id., VI. 21.
[5] Id., IV. 59, 60. For its amount, see Niebuhr's History, vol. II. p. 200.
[6] Liv., V. 2.

earth[7] was one in which the husbandman does not appear to have put off the mien of the warrior. It was as if the Romans had vowed to have naught but war for their portion.[8]

The same temper showed itself in what may be called the diplomacy of the period. At about the time when Caius Canuleius held the tribunate, the Tribes were called together to arbitrate between their allies of Aricia and those of Ardea, both Latin towns. The question referred to the right of property in a certain piece of territory contiguous to both the towns which had submitted their respective claims to the Romans. Just as the votes of the Tribes were to be taken, Publius Scaptius, a Plebeian, rose in his place and craved a hearing. He was four-and-eighty years of age, he said, too old to serve his country in any other way than with his tongue. With his memory, he might have added; for he proceeded, before the gaping people, to relate an early campaign against Corioli, to which the very land now in question then belonged, and of which the conquest had then been made by the Roman forces. It is said that the principal citizens exerted themselves to prevent the act of injustice suggested by the veteran's story. But there were few of the Romans to be actually pained by the decision of the Tribes that the disputed territory belonged to them. Ardea protested against the sentence, and threw off the Roman alliance. But the only redress to be obtained was the admission of

[7] "Fruges lustramus et agros." Tibull., II. 1.

[8] "And, with the best collection of my thoughts,
I have ambition to the wars."
SHIRLEY.

many Ardeans amongst a colony appointed to take possession of the land that had been seized.[9]

Another incident terminates more to the honor of the Romans. Ten or twenty years after the present epoch of our history, it chanced that, amongst some Volscian captives, there were found a few troopers from Tusculum. Now Tusculum had long been the most faithful and the most serviceable of all the Latin allies of the Romans. But when these soldiers taken with the Volscians declared that they had been sent by their government to aid the enemies of Rome, all else was forgotten by their enraged victors. Without taking the pains to ascertain the truth or the falsehood of a confession extorted from the terrified prisoners, an army was sent out instantly to punish the city which it pleased the Senate thus hastily to consider faithless. The famous Camillus, of whom we shall presently have to read more, was put at the head of the expedition. As he marched beyond the plain and up the hill, the laborers were seen in the fields. The gates of the city stood open, and the very houses within were all unbarred. Instead of defending themselves by battery or spear, the Tusculans had resolved to keep at their usual occupations, and let the unworthy fury of their foes die out for want of resistance. Camillus, the hero not to have been repelled, if the half reported of him be true, by arms, was overcome by the passiveness[10] of the people whom he was sent to vanquish. Perhaps at his suggestion,

[9] Liv., III. 71, 72, IV. 7, 11.

[10] "Victus patientia." Liv., VI. 26. See Plut., Cam., 38.

the Tusculans despatched an embassy to Rome, where the Senate granted the peace so well deserved. Soon after, the whole people was admitted to the Roman citizenship.[11] The story of the campaign and of its conclusion embraces at once the dark and the bright points in the foreign relations of Rome.

The increase of the national power affected the relations between the different classes of the Romans. Not alone did the Patricians profit by the fruits of conquest. The Plebeians, as members of the same nation, had their share in the captives or the spoils which went to fill the national treasury. So, likewise, they obtained a part in whatever booty might be distributed amongst the warriors by whom it had been won. Or, if they did not have their portion, they demanded it in terms which showed how well their privileges kept pace with the increasing resources of the nation.

When Veii yielded, a large number of the conquerors undertook to remove to the conquered city. There, said many a struggling Plebeian, will I take my share of the public domain, and there shall be my home. Nay, returned the Patricians, ye have no right to the lands of the Commonwealth; neither shall ye desert your homes with us to dwell in independence in yonder dismantled city.[12] So widely did these sentiments prevail, that some of the Tribunes put their veto upon the demands of their brethren. The reëlection of these Tribunes proved

[11] Liv., VI. 26. The rights were probably incomplete, though it has been argued, on the other hand, that they were full and entire. This they became afterwards.

[12] Liv., V. 24 – 26, 29.

the majority to be on their side. But on the other side stood other leaders advocating the interests of their needier brethren. The opposing Tribunes, at the expiration of their second term, were heavily fined.[13] Yet the same assembly that declared against them declared against the measure which they had opposed. Apparently, the Patricians had promised to concede the demand in case it should be withdrawn from the assembly of the Tribes. At all events the Senate decreed that seven jugers — in our measure about four acres — of the Veian territory should be assigned not only to each father of a family, but to every free adult or infant of the Commonwealth.[14] A more ample grant had never been made to the Plebeians. Satisfied with the position which they had won at Rome, they ceased to think of removing to Veii.

But upon the classes still lower than the Plebeians the effect of increasing national power was less favorable. The client had a prouder patron than of yore to serve. The bondman had a more exacting lord. Between the master and the slave, the chief and the retainer, the difference was greater than had ever before existed. Every year, the superior became unfitted for some occupation which he had been sharing, in some degree, with his inferior. The latter, obliged to pursue the toils now despised by the former, sank to a lower level. Moreover, the number of dependants of every class was so augmented in consequence of successful wars, as to

[13] "Quod, gratificantes patribus, rogationi tribunitiæ intercessissent." Liv., v. 29.

[14] This was in A. C. 392. Liv., v. 30. Diod. Sic. (where the quantity assigned is different), XIV. 102.

render the individual dependant less valuable to his possessor. Some of the earlier clients, a few of the earlier bondmen, may have been borne up to higher places by the captives and aliens now pouring into Rome. But the greater proportion were depressed.

This, perhaps, was the first proof occurring to the Romans of the consequences always following successful warfare. Something had they seen in former times, when one soldier after another returned from gallant exploits in the field to ignominious sufferings in the dungeon. Much more were they to see in later times.

As the lowest sank at one end of the scale, the highest rose at the other. Between the Patricians and the Plebeians there was a growing equality. But between the chiefs and the masses of either order there was a growing inequality. The absolute authority donned by the general in battle returned with him to the Forum or the Senate-house. As the Consul or the Tribune was obliged to act in relation to the levy or the campaign, even so might he proceed in relation to the bill or the election. The heroes of war are everywhere in danger of becoming the despots of peace. The reaction of victory, at Rome as in all other places, threatened the liberty of the victors.[15]

Thus does the result of the national power at Rome turn out to be the same as its source. It sprang from centralization; and to centralization it returns.

[15] "There is no sure foundation set on blood,
No certain life achieved by others' death."
King John.

CHAPTER IX.

CAMILLUS AND MANLIUS.

"Heu quantum inter se bellum!"

VIRGILIUS, *Æn.*, VI. 829.

AT the very time when the Patricians and the Plebeians were more nearly united than they had ever been, the divisions between the higher and the lower members of either order became most glaring. This has been stated. To make it evident, the lives of Camillus and Manlius lie open to our view.

Both were Patricians. But one belonged to what may be called the higher class, inasmuch as it was the class holding the most and making the most of authority. The other class, represented by the other Patrician, not only possessed less authority, but that which it did possess it exercised less presumptuously. It was this class which connected itself with the main body of the Plebeians. The higher class generally favored the Plebeians only to gain partisans to their own purposes from the lowest or the highest of the inferior order.

Marcus Furius Camillus was the elder of the two Patricians. Of lofty birth and commanding

temper, he had risen through "other honors," as the biographer styles them, to the censorship;[1] next, and twice, to the military tribunate with consular power. A little later, he was appointed Dictator to conduct the armies against Veii, where he came off conqueror. Up to this time, apparently, Camillus had possessed the favor and the admiration of all classes.

But it seems that the moment of peace was like the thaw of the wintry fame which he had won in war. The men who had served under him were indignant at being obliged to restore a part of their spoils, because he pleaded a vow of dedicating a tithe of the plunder to the gods. Their brethren, generally, took it ill that he opposed their claims upon the Veian territory. Nor were there any classes besides his own whom his arrogant demeanor did not more or less offend. As one complaint in similar circumstances leads to another, the popularity of Camillus was soon dissolved. He threw himself back upon the severer Patricians, with whom he was naturally allied. A few years subsequently, he was accused by a Tribune of having secreted the spoils of Falerii, a city subdued by him. Conscious of the bitterness aroused against him, Camillus did not stay to meet his trial, but went into exile at Ardea. The Tribes confirmed his banishment and added a heavy fine.[2]

[1] A. C. 402. Plut., Cam., 2; where his doings in the office are described, especially his compelling unmarried men, "partly by persuasion and partly by threat," to espouse the widows of those who had recently fallen in conflict. This does not sound like domestic liberty. See Val. Max., II. 9. 1.

[2] A. C. 390. Liv., v. 32. Plut., Cam., 11, 12.

The year before, Marcus Manlius Capitolinus had been one of the Consuls. Illustrious in descent, he was also strikingly gifted with personal beauty and personal prowess.[3] An old historian lauds him still further for his "eloquence, dignity, intrepidity, and confidence."[4] Some strong reasons exist for supposing him to have been an opponent of Camillus. During his consulate, Manlius and his colleague were both seized with a prevailing epidemic. Immediately upon their recovery, the Consuls were required by the Senate to abdicate, while, in their stead, Camillus was appointed Interrex.[5] The inference to be drawn is that the Interrex was substituted by his faction in the place of two men belonging to an opposing party. No open declaration may have been made by Manlius against the higher Patricians. But all about him pointed him out as their natural antagonist. He was young, heroic, aspiring. The name of Capitolinus, worn by one after another of the milder Patricians, was of itself a warning that Manlius belonged to the lower party, the friends of the Plebeians.

So may the younger Patrician have rejoiced at the exile of the older. Camillus himself, it was reported, departing through the gates of Rome, turned back towards the Capitol, and prayed that the people might be brought to feel their need of him whom they had banished. His imprecations seem to have been accepted and answered. The

[3] Pliny enumerates the rewards of his gallantry. Nat. Hist., VII.

[4] "Eloquentia, dignitate, acrimonia, confidentia pariter præcellebat." Q. Claudius, ap. Aul. Gell., XVII. 2. 29. 3.

[5] Liv., v. 31.

very next year a host of Gauls, as they were called, came down from the North. Provoked by the appearance of some ambassadors from Rome in a battle which they were fighting with the Etruscans, the barbarians pressed on to crush the Roman forces near the river Allia. The city was straightway wrapped in blood and flames. Houses crumbled and temples fell together as the funeral pyres of the unnumbered slain. It seems, on reading the breathless tidings of disaster and ruin, as if the end of Rome were not only prefigured, but arrived.[6]

It was more, however, than a single torrent of barbarians could do, to sweep aside the stream for which half the earth was destined to be the channel. While most men fled, with wives and children and all that they could hope to save, some to Veii, and others to any and every place of refuge, a few,[7] of stouter hearts, remained to protect the Capitol. These were many of the magistrates, together with many more of the younger citizens, both Patricians and Plebeians. At their head, the first to advise the defence of the citadel and its holy temple, though all things else were lost, was Marcus Manlius, whose family name of Capitolinus appeared to be his natural inspiration to courage in such a cause.[8]

Not many days, or even hours, after the occupation of the Capitol, its defenders were surprised

[6] A. C. 389. Dates are just here more than usually uncertain. See the narrative in Livy, v. 37–41: it cannot be better told.

[7] Florus (I. 13) says a thousand; Zonaras (VII. 23) includes their families.

[8] "Capta urbe, auctor in Capitolium confugiendi fuit." De Vir. Ill., cap. XXIV. Cf. Æn., VIII. 652.

by the sudden appearance of Pontius Cominius, a young Plebeian. He came, through perils and in the face of death, with hopeful tidings. Camillus, supported by the people of Ardea, having gained some advantages over the Gauls, had been called by his countrymen at Veii to take the command of their forces. He was waiting, announced his courageous messenger, the consent of such magistrates as had survived the recent slaughter, to put himself at the head of those who wished him for their leader. If the band then gathered in the Capitol, were, as is very likely, among the adversaries of Camillus, this application must have been intended either as a bitter taunt to them or else as a glorious proof from him of fidelity to the laws under which he had been exiled. However this may may have been, he was instantly declared Dictator, and Pontius Cominius bore back a proclamation from the scanty Senate, appointing Camillus to absolute authority over all who still confessed the name of Rome. The tradition of his subsequent successes is evidently exaggerated. But it is safe to read that the Dictator joined his forces to those of the neighboring southern states whence the Gauls were driven northwards. The barbarian garrison, left in charge of Rome, was compelled to save itself by surrender of its plunder.[9]

Meanwhile, the Capitol had been assailed by night, and nearly lost. Its safety and the repulse

[9] This account is, in some respects, conjectural. Polybius (II. 18) says nothing of Camillus in accounting for the retreat of the Gauls, which he imputes to an invasion of their own territories in the North.

of the barbarians were ascribed entirely to Manlius, more wakeful than the rest to defend the remains of Rome. To him each one of his companions brought something from his stores, as the only reward then at command. Six months had elapsed since their occupation of the citadel, when the force besieging them was driven from the ruins of the city, and Camillus returned to liberate his countrymen, wellnigh destroyed, as Plutarch says, by famine.[10]

The meeting can be easily conceived. Dismal as was the aspect of the city, it was again in the possession of its own Romans. Camillus and Manlius, however hostile in former days, now greeted each other as the preservers of their country. Around them pressed Patricians and Plebeians forgetful of their former troubles in presence of their returning hopes. The priests hastened to produce the holy relics that had been rescued from destruction, and in the midst of sacrifices and vows to the gods, the people were re-united.[11]

One tradition of the time is to be remembered. When the Gauls, in the moment of triumph, demanded from the Romans who sought to regain possession of their ruined city, a ransom for it so enormous as to make them think wistfully of the treasures contained in their temples, the matrons brought out their jewels or their hoards to satisfy the covetous barbarians. On the retreat of the invaders, the matrons were not only publicly thanked,

[10] Plut., Cam., 30. [11] Id., ib., 30. Liv., v. 49.

but honored with the peculiar privilege, as it was then esteemed, of having a eulogy pronounced upon them at their death.[12] Tradition though this be about the offering and the requital, it is better than many authentic pages concerning an assembly or a campaign.

Other grateful memories belong to the period. The grant of citizenship was made to the inhabitants of Cære in Italy and to those of Massilia in Gaul.[13] At Cære the fugitive priests and Vestal Virgins had found refuge. From Massilia offers of aid had been sent to Rome.[14]

Yet there were losses and sorrows that no day of triumph could repair. Lands were wasted. Homes were ruined. Friends were gone, slain or overwhelmed by their calamities. The feeble were hopeless of recovering strength. The brave were dispirited by the very exigency of the demands upon their courage. Such, in fine, was the universal depression, that, on the approach of some enemies in arms, the Romans fled from them as they had fled from the Gauls.[15] Nor was this all. Nearly the entire people joined in the proposal of removing to Veii.

In such seasons, the true Roman showed all his greatness. Greater by far than he had been upon the field of battle, was Camillus in the distracted city. It was he who, in the ancient phrase, recon-

[12] Liv., v. 50. Diod. Sic., xiv. 116.
[13] Liv., v. 50.
[14] Justin., xviii. 5.
[15] Commemorated, afterwards, as the Populifugia. See Niebuhr's Hist., vol. ii., note 1258, and text.

ciled the city to its citizens and the citizens to their city.[16]

They who had already emigrated were recalled. The poor were assisted in the work of rebuilding. The rich were induced to do their part. So, within a year, as the historian says, a new city was standing,[17] safe from the attacks of foes and from the doubts of its own inhabitants. The admission of four new Tribes within four years[18] from the inroad of the Gauls proves the restoration of general tranquillity.

But prosperity was still very far from being general. All the old burdens had been replaced and augmented. As in former times, the energies of men were absorbed in the wastes kept open by war abroad and taxation, mingled with oppression, at home. One year, the tenth from the invasion, the Tribunes appear earnest in demanding a new Census.[19] This was both to ascertain the extent of the obligations in which the needy were involved, and to obtain some relief or equity in the apportionment of the taxes, long since depending upon the pleasure of the Censors. Within two years more, the Tribunes are seen resisting an enlistment, and urging, as the condition of submitting to it, that none who go to war shall be taxed or sued until the campaign is ended.[20] From the same causes the same consequences followed as of old. The anger of the poor, untempered by reason, and

[16] "Sic et oppidum civibus et cives oppido reddidit." De Vir. Ill., cap. XXIV.

[17] Liv., VI. 4.

[18] A. C. 385. Liv., VI. 5.

[19] Id., ib. 27.

[20] Id., ib. 21.

that of the rich, untempered by benevolence, soon burst into flames.

Already had the sufferings of the lower estate called forth a champion from amongst the Patricians. Manlius Capitolinus, always, as has been supposed, friendly to the Plebeians, became their avowed supporter [21] about six years after the capture of Rome. Obtaining the coöperation of the Tribunes, he introduced some propositions concerning the division of lands and the discharge of debts amongst the poor.[22] Opposition was to have been expected. It merely diverted Manlius from words to deeds. One day, he saved a Plebeian from imprisonment by paying the debts for which the man had been arrested. Another day, he made his charities more general by parting with the bulk of his patrimony in order to relieve the miserable.

At this the Patricians rose contemptuous and menacing. Liberal men, as they called themselves, as well as those confessedly illiberal, had no idea of allowing Manlius to continue his offices of beneficence. They were offices of seditiousness in the eyes of his adversaries.

An extreme Patrician, Cornelius Cossus, had recently been appointed to the dictatorship, in order, as was averred, to repel the forces of several hostile nations. But Manlius was thought to be a more dangerous enemy than the combined armies upon the frontiers; and Cornelius Cossus was summoned to return against him. On being ordered to appear

[21] "Popularis factus." Liv., VI. 11. [22] Appian., De Reb. Ital., IX.

before the Dictator, Manlius obeyed not only without evasion, but with some eagerness. It was to show, as his enemies would say, that he was supported against the highest authority of the Commonwealth. But his readiness to come forward may, with much greater propriety, be interpreted as the consciousness of innocence. For his followers, although appearing in numbers so great as to alarm his opponents, do not seem to have had any instruction from him, or any intent of their own, to defend him by force. Charged with holding meetings by night, and engaging in various disorderly practices, he failed to appease the Dictator, by whom he was committed to prison. He made no other resistance than in appealing to the deities of the Capitol that they would protect their soldier and defender.[23]

The greater part of the Plebeians, as the story ran, assumed the signs of mourning. Two thousand of their number were promised lands in one of the newly-conquered towns; but the boon was too small to satisfy them, whether they were traitors or friends to their fallen benefactor. Cossus withdrew from the dictatorship, probably on account of its term having expired. The clamor of the people increasing as he and his twenty-four lictors disappeared, the Senate were obliged to release their prisoner, lest the crowds increasing round the prison night and day should effect his liberation by means of their own.

[23] Liv., VI. 16.

However generous had been the intentions of Manlius before his confinement, he would nevertheless come forth from prison with more desire to humble his adversaries than to benefit his inferiors or his followers. Forgiveness of injuries was not a Roman virtue, and Manlius abandoned himself to the bitter hatred and vindictiveness accounted by most men blameworthy only when failing of being gratified. The secret meetings concerning which he had been accused were soon renewed, with the very designs falsely urged before as the reasons for his arrest and imprisonment.

Ere the settlement of his plans, defensive or aggressive, his old enemy Camillus was chosen, for the fifth time, to the military tribunate with consular power.[24] The contrast between the triumph of his rival and his own shame would act like fiery poison upon a soul like that of Manlius; especially at a moment of resolution such as had now arrived. Some charge, perhaps that of aspiring after royalty, was made in relation to him before the Senate, who straightway authorized the magistrates to take any measures, legal or illegal, as they pleased, against him, as an enemy of the public safety. At this two Tribunes of the Plebeians summoned him to stand his trial before the Centurias.

But when, on the day appointed, he appeared, surrounded by a throng of citizens who owed him their lives or their liberties, his wounds bared and

[24] A. C. 382. Liv., VI. 18.

his arms outstretched to the Capitol, there was not one of the five classes, nor one, perhaps, of all the Centurias, to believe Manlius guilty of treachery to his country or his countrymen. Granting, it would be murmured, that he hath bearded the chiefs of his order. Is not that, the mass of the people would exclaim, to his honor? And hath he not been, they would add, our own unbounded benefactor? He was on the point of being acquitted when his adversaries in office adjourned the trial to another place from which there was no prospect towards the Capitol.[25] It is reported, and on good authority,[26] that Camillus was named Dictator to conduct the prosecution against his unfortunate antagonist. Certainly the party of Camillus triumphed. But it is not clear whether Manlius submitted to a second trial, or whether, resisting it, he seized the Capitol, and there perished in endeavoring to defend himself by force. He died abjured by his family and branded by his foes as a common outlaw.[27] Wars followed, as though to peal his requiem; while the groans of dying men resounded where pestilence smote its struggling victims in the very streets of Rome.

Thus fell another martyr to the liberty of the Plebeians. Nor would it be supported by any but martyrs until the order was united in maintaining it for themselves. But deeper than ever were the chasms that separated Plebeian from Plebeian, as

[25] Plut., Cam., 36. Liv., VI. 20.
[26] Zonaras, VII. 24.
[27] Liv., VI. 20. Dion. Cass., Frag. Peiresc., XXXI.

well as Patrician from Patrician. They meanwhile, who rejoiced that it was so, that such as Manlius must fall, or such as Camillus must rule supreme, were not the men whom God long suffers, even where He has doomed them to walk in darkness.

CHAPTER X.

THE LICINIAN LAWS.

"It is vain to say that enlightened statesmen will be able to adjust these clashing interests, and render them all subservient to the public good."

MADISON, *Federalist*, No. x.

ONE of the Tribunes, chosen after the return of the Plebeians from the Sacred Hill, was a Licinius.[1] The first Military Tribune with Consular Power elected from the Plebeians was another, Licinius Calvus.[2] The third great man of this distinguished family was Caius Licinius Calvus Stolo, who, in the prime of life and of popularity, was chosen among the Tribunes of the Plebeians for the seventh year following the death of Manlius the Patrician.[3]

Another Plebeian, Lucius Sextius by name, was chosen Tribune at the same time. If not already, he soon became the tried friend of Licinius Stolo. Sextius was the younger,[4] but not the less earnest of the two.

[1] Livy makes him one of the first two (II. 33). Cf. Dion. Hal., VI. 89.

[2] Liv., V. 12.

[3] Chosen in A. C. 376 for 375, the dates, however, being altogether arbitrary.

[4] "Adolescens." Liv., VI. 34.

Both belonged to that portion of the Plebeians supposed to have been latterly connected with the liberal Patricians. The more influential and by far the more reputable members of the lower estate were numbered in this party.

Opposed to it were two other parties of Plebeians. One consisted of the few who, rising to wealth or to rank, cast off the bonds uniting them to the lower estate. They preferred to be upstarts amongst the Patricians rather than to be leaders amongst the Plebeians. As a matter of course, they became the parasites of the illiberal Patricians.

To the same body was attached another Plebeian party. This was formed of the inferior classes belonging to the lower estate. By the higher classes of their own estate, as well by the allies of the liberal as by those of the illiberal Patricians, these inferior Plebeians were generally disregarded. They were the later comers. Or they were the poor and the degraded amongst the earlier comers. As such, they had no other resource but to depend on the largesses or the commissions of the most lordly of the Patricians.

This division of the Plebeians is a point to be distinctly marked. While there were but two parties, that is the liberal and the illiberal, amongst the Patricians, there were no less than three amongst the Plebeians.

But one of the three could be called a Plebeian party. That was the body containing the nerve and sinew of the order, and uniting only with the liberal Patricians, and with them only upon comparatively

independent terms. The other two parties were nothing but servile retainers of the illiberal Patricians.

It was to the first, to the real Plebeian party, that Licinius Stolo and his colleague Sextius belonged by birth. Marriage had connected Licinius with the liberal Patricians. His wife was the daughter of Marcus Fabius Ambustus, a Patrician of high descent and brilliant fame, who had recently been a Military Tribune with Consular Power.[5]

A tradition of no sort of value represented the Patrician and the Plebeian as having combined to support one and the same cause in consequence of a whim of the wife and daughter through whom they were connected.[6] Some revolutions, it is true, are the effect of an instant's passion or an hour's weakness. Nor can they then make use of subsequent achievements to conceal the caprices or the excitements in which they originated. But a change like that attempted by Licinius with the help of his father-in-law, his colleague, and his friends, reached back one hundred years and more to the law for which Cassius died, and forward to the end of the Commonwealth. It opened new honors as well as

[5] Liv., VI. 22.

[6] The story ran as follows: — Stolo's wife was one of two sisters, the elder being married to a Patrician, at this time a Military Tribune. The younger, being on a visit in her sister's house, was so startled by the unusual knocking of the lictors attending the Tribune at the door, that the elder laughed at her fears with some scorn for her having married a Plebeian. Liv., VI. 34. It is only necessary to repeat the common remark, that this timid creature who had never heard the knocking of the lictors was the daughter of a Patrician and a Military Tribune. Besides, the aim of Licinius Stolo was not to make himself a Military Tribune, but to do away with the office altogether.

fresh resources to the Plebeians. Probably, the Tribune was raised to his office because he had shown the determination to use its powers for the good of his order and of his country.

Licinius and Sextius together brought forward the three bills bearing the name of Licinius as their author. One, says the historian, ran concerning debts. It provided that the interest already paid being deducted from the principal, the remainder should be discharged, in equal instalments, within three years.[7] The statutes against excessive rates of interest, as well as those against arbitrary measures of exacting the principal of a debt, had utterly failed. It was plain, therefore, to any one who thought upon the matter, — in which effort of thought, however, the power of all reformers begins, — that the step to prevent the sacrifice of the debtor to the creditor was still to be taken. Many of the creditors themselves would have acknowledged that this was desirable.

The next bill of the three related to the public lands. It prohibited any one from occupying more than five hundred jugers, about three hundred acres, at the same time that it reclaimed all above that limit from the present occupants, with the object of making suitable apportionments amongst the people at large.[8] Two further clauses followed, one ordering

[7] "C. Licinius et L. Sextius promulgavere leges, ... unam de ære alieno, ut, deducto eo de capite, quod usuris pernumeratum esset, id, quod superesset, triennio æquis portionibus persolveretur." Liv., VI. 35.

[8] The terms that Livy (VI. 35) rehearses are only these: — "De modo agrorum, ne quis plus quingenta jugera agri possideret"; which may best be completed from Niebuhr's account, vol. III. p. 16. See, also, Varro, De Re Rustica, I.

that a certain number of freemen should be employed on every estate, and another forbidding any single citizen to send out more than a hundred of the larger or five hundred of the smaller cattle to graze upon the public pastures.[9] These latter details are important in relation not so much to the bill itself, as to the simultaneous increase of wealth and slavery which they plainly signify. As the first bill undertook to prohibit the bondage springing from too great poverty, so the second aimed at preventing the oppression springing from too great opulence.

A third bill declared the office of Military Tribunate with Consular Power to be at an end. In its room the consulate was restored with full provision that one of the two Consuls should be taken from the Plebeians.[10] The argument adduced in favor of this last bill appears to have been the urgent want of the Plebeians to possess a greater share in the government than was vested in their Tribunes, Ædiles, and Quæstors. Otherwise, declared Licinius and his colleague, there will be no security that our debts will be settled or that our lands will be obtained.[11]

Such were the three Licinian bills, and it would be difficult in our own day to frame three others reaching to a further or fulfilling a larger reform.

2. As to the Agri being the public lands, there need be no doubt after the admirable articles by Prof. Long in the Classical Museum, vol. II.

[9] Appian., De Bell. Civ., I. 8. See Niebuhr again.

[10] "Ne tribunorum militum comitia fierent, consulumque utique alter ex plebe crearetur." Liv., VI. 35.

[11] This is the report of the argument in Id., VI. 37.

"Every thing," says the historian, "was pointed against the power of the Patricians in order to provide for the comfort of the Plebeians."[12] This to a certain degree was true. It was chiefly from the Patrician that the bill concerning debts detracted the usurious gains which had been counted upon. It was chiefly from him that the lands indicated in the second bill were to be withdrawn. It was altogether from him that the honors of the consulship were to be derogated. On the other hand, the Plebeians, save the few proprietors and creditors amongst them, gained by every measure that had been proposed. The poor man saw himself about to be snatched from bondage and endowed with an estate. He who was above the fear of destitution or of debt beheld the highest office in the state on the point of being brought within his reach. Well might the exultation on the side of the Plebeians have been universal.

It is not too much to attribute to Licinius Stolo the design of re-uniting the divided members of the Plebeian body. Not one of them, not the richest parasite or the poorest dependent of the Patricians, but seems called back by these bills to stand with his own order from that time forward. If this was so, Licinius Stolo was the greatest leader whom the Plebeians had as yet obtained.

But from the first, he was disappointed. The Plebeians who most wanted relief cared so little for having the consulship opened to the richer men of

[12] "Leges omnes adversas opes patriciorum et pro commodis plebis." Liv., VI. 35.

their estate, that they would readily have dropped the bill concerning it, lest such a demand should endanger their own desires. In the same temper, the more eminent men of the order, themselves among the creditors of the poor and the tenants of the public domain, would have quashed the proceedings of the Tribunes respecting the discharge of debt and the distribution of land, so that they carried the third bill only, which would make them Consuls without disturbing them in their possessions.

While the Plebeians continued severed from one another, the Patricians drew together in resistance to the bills. Had the earth opened beneath their feet to emit some monster, it would have been but little more astounding than the appearance of a Tribune like Licinius Stolo. Yet there he stood demanding at once all that it had cost his predecessors their utmost energy to demand singly, and at long intervals, from the Patricians. Nothing was to be done but to unite in overwhelming him and his supporters. "Great things were those that he claimed," chimes in the historian, "and not to be secured without the greatest contention." [13]

The very comprehensiveness of his measures proved the safeguard of Licinius. Had he preferred but one of his three demands, he would have been unhesitatingly opposed by the great majority of the Patricians. On the other hand, he would have had comparatively doubtful support from the Plebeians.

[13] "Cuncta ingentia et quæ sine certamine maximo obtineri non possent." Liv., VI. 35.

If the interests of the poorer Plebeians alone had been consulted, they would not have been much more active or able in backing their Tribunes; while the richer men would have gone over in a body to side with the public tenants and the private creditors amongst the Patricians. Or supposing the case reversed, and the bill relating to the consulship to have been brought forward alone, the debtors and the homeless citizens would have given it too little help with hands or hearts to secure its passage as a law. The great encouragement, therefore, to have cheered Licinius and Sextius must have been their conviction that they had designed their reforms upon a sufficiently expanded scale.

The cords, however, by which alone the bills could be raised to the higher place of laws, were much too knotted to bear a strain without both grating and delay. As soon as Licinius and Sextius laid their proposals before the Tribes, every one of their eight colleagues vetoed the reading of the bills.

Nothing could be done by two Tribunes, if the rest were against them, except to be resolute and watch the opportunity for retaliation. At the election of the Military Tribunes, about six months after the beginning of the tribunitian year, Licinius and his friend interposed their vetoes, and prevented a vote from being thrown. No magistrates could remain in office after their terms were expired, whether there were any successors or not to come after them. Accordingly, the Commonwealth remained without either Military Tribunes or Consuls at its head, although the vacant places were nominally

filled by one Interrex after another, appointed by the Senate to keep up the name of government, and to hold the elections the moment that the Tribunes withdrew their vetoes or left their offices.

At the close of the year Licinius and Sextius were both reëlected, but with colleagues on the side of their antagonists. Some time afterwards, whether in that year or another is unknown, it became necessary to allow the other elections to proceed. The people of Tusculum, formerly the allies, and latterly, after the campaign of Camillus, the adopted citizens of Rome, were in such peril from the attacks of the Latins of Velitræ, that no good Roman could hesitate to send them assistance.[14] As an army could not go forth without its leaders, the election of Consuls or Military Tribunes was indispensable. Licinius, therefore, with his colleague, withdrew from the opposition hitherto unflinchingly maintained. Six Military Tribunes were chosen, three from the illiberal and three from the liberal Patricians. The latter probably received all the Plebeian suffrages, there having been no Plebeian amongst the candidates. The Plebeians, indeed, owed it to their Tribunes to abstain from seeking an office of which the bills in abeyance required the abolishment. At all events, they showed increasing inclination to sustain Licinius and Sextius, both by reëlecting them, perhaps for several years, and by choosing at length three other Tribunes with them in favor of the bills. But five, consequently, remained in opposition to

[14] "Verecundia maxime non patres modo, sed etiam plebem movit." Liv., VI. 36.

the bills. The prospects of the measures were further brightened by the election of Fabius Ambustus, the father-in-law of Licinius, and his zealous supporter,[15] to the military tribunate. This seems to have been the seventh year following the proposal of the bills.[16]

Licinius and his colleague had learned a great deal during the long contention in which they had been involved. It was constantly repeated in their hearing, that not a Plebeian in the whole estate was fit to take the part in the auspices and the religious ceremonies incumbent upon the Consuls. The same objection had overborne the exertions of Caius Canuleius, three quarters of a century before. Licinius saw he must not only cut the noose, but burn the rope, that it might never be tied again. No office, ritual or civil, was more really honorable than that of the Duumvirs, in number two, as their name denotes, whose duty and whose privilege it was to consult the Sibylline books for the instruction of the people in every season of doubt or peril. They were, moreover, the presiding officers at the festivals of Apollo, to whose inspirations the holy books of the Sibyl were ascribed. As was always the case with such exalted functionaries, they held their places for life free from all the obligations of ordinary citizens. This was the office which Licinius resolved to claim for the Plebeians.

[15] "Fabius quoque, ... quarum legum auctor fuerat, earum suasorem se haud dubium ferebat." Liv., VI. 36.

[16] A. C. 369. The narrative here given must be taken as purely conjectural in relation to the chronological details, which it is both useless and impossible to determine precisely.

He did so by setting forth an additional bill proposing the election of Decemvirs, five from the Plebeians and five from the Patricians, to take the place of the Patrician Duumvirs.[17] The idea of a Plebeian in the possession of the public auspices was simpler from that day forward. Could he be a Decemvir, he could be also a Consul.

The bill concerning the Decemvirs could only be joined, for the present, with the other three, to bide its time. Notwithstanding the countenance of his father-in-law, the Military Tribune, notwithstanding the favor of his colleagues, the four Plebeian Tribunes, it was impossible for Licinius to carry his measures while the other five Tribunes of the Plebeians continued their interposition against the bills. But he and Sextius were once more reëlected. They had their adherents, though they had their opponents. So earnestly were they supported at this election, that the college of Tribunes appears to have been filled from amongst their partisans.

The strife, however, was far from being ended. At the summons of the ten Tribunes, the Tribes assembled. Borne up by the united Plebeians, the bills that had hung and wavered in the air seemed sure of firm support and rest at last. Already were the first votes taken, when four-and-twenty lictors appeared, ushering a crowd of Senators and younger Patricians, perhaps with some Plebeians amongst

[17] "Ut pro duumviris sacris faciendis decemviri creentur, ita ut pars ex plebe, pars ex patribus fiat." Liv., II. 37. Arnold thinks that Licinius had it also in view to secure an honest interpretation of the Sibylline books, which were very likely often turned against the Plebeians. Hist. Rome, vol. II. p. 44.

them, into the Forum. It was an onslaught rathes than a procession, as all men knew; and the eyer that were strained to see the Dictator whom the lictors and the Senators attended, soon beheld Camillus, swelling, as he is described, with wrath and menace[18] against bills, Tribes, and Tribunes. The old warrior did not doubt that the sun would stand still at his command. With his own voice, he ordered the Tribunes to see that the Tribes threw not another vote. A pause ensued amongst the people. if the Tribunes complied, the bills were doomed.

Far from that, they bade the Tribes go on and vote as they had begun. Camillus, astonished, still more infuriated, commanded his lictors to break up the assembly at once, and proclaim, as they did so, that if a man lingered in the Forum, the Dictator would call every one fit for service to his standard, and march from Rome without delay. Again the Tribunes dared resistance, and, this time, something more. They declared that if the Dictator did not instantly recall his lictors and retract his proclamation, they, the Tribunes, according to their right, would subject him to a fine five times the highest rate of the Census, so soon as his dictatorship expired. The acclamations of the Tribes proved that the threat would be fulfilled. Camillus retreated, so fairly overcome, as to abdicate immediately afterwards, under some pretence of faulty auspices.[19]

Such a victory, so far beyond any triumph of the lower estate in former times was enough for one

[18] "Plenus iræ minarumque." Liv., VI. 38.

[19] Liv., VI. 38. Compare Plut., Cam., 39.

day. The assembly separated to meet in greater calmness at another time. But before they could be again convened, the Plebeians seem to have been in some way worked upon to such a degree, that, when the four bills were submitted to the decision of the Tribes, the two concerning lands and debts were alone accepted. The party to whom these bills had all along been the most desirable was composed, it must be remembered, of the poorer Plebeians. As such they were generally the retainers of the richer Patricians. It is easy to conceive how the Patricians allowed their dependants to pass the measures of relief, if they could but prevent the passage of the measures concerning the offices to which the more strenuous Plebeians aspired. Farther off than ever must have seemed the union of the Plebeians. Licinius was disappointed, but not confounded. With a sneer at the selfishness as well as the blindness of those who had voted only for what they themselves most wanted, he bade them mark that they could not eat, if they would not drink.[20] He totally refused to separate the bills. To consent to their division would have been equivalent to consenting to the division of the Plebeians.

His resolution had its reward. The liberal Patricians, struck by the demeanor of their Plebeian associates, seem to have rallied to their support. A moderate Patrician, connected with the Licinian family, was appointed to the dictatorship. He chose

[20] Dion. Cass., Frag. xxxiii., with the note of Reimar.

a member of the same house for his Master of the Knights.[21] It is by no means certain that these functionaries took any measures to uphold their kinsman.[22] But their appointment shows that the liberal Patricians were in the majority. This would animate Licinius. It would recall the Plebeians to his side. That they soon determined to eat and drink, as they were recommended, is evident from the reëlection of Licinius and Sextius to be Tribunes for the tenth time.[23]

The fourth bill, concerning the Decemvirs, was almost instantly laid before the Tribes, carried through them, and accepted by the higher assemblies. Why it was detached from the other three, just as the resolution of the Tribunes to keep all four together had been apparently confirmed, is by no means evident. It may have been in order to smooth the way to the consulship, and to secure the passage of the bill, the most disputed of the four, concerning that high office.[24] Or the proceedings of the Tribunes may have been interrupted by a fresh invasion of the Gauls, in consequence of which Camillus was once more appointed Dictator, while all the energies of the Commonwealth were diverted to the defence of its own or the imme-

[21] The Dictator was Publius Manlius Capitolinus. The Master, the first Plebeian who held that office, was Caius Licinius Calvus, the same who had been Military Tribune in the year preceding the first election of his relative to the tribuneship. Liv., VI. 31. Diod. Sic., XI. 57. See Liv., VI. 39.

[22] All this arrangement of events is conjectural. Various details, moreover, involving improbabilities or inaccuracies, have been left untouched not only here, but throughout the narrative.

[23] For the year A. C. 366. Liv., VI. 42.

[24] Livy says, "Graduque eo jam via facta ad consulatum videbatur." VI. 42.

diately neighboring territories against the barbarians.[25]

As soon, however, as the interruption ceased, the struggle between the supporters and the antagonists of the three remaining bills was resumed. Not without increasing adherents had the two brave Tribunes persevered through long and agitated years. Earnest men of the lower and temperate men of the higher estate had first looked on, then spoken approvingly, and at last joined zealously in upholding the cause which they had learned to appreciate. Nor could any more earnest memories have filled the minds, any more exciting promises or menaces have crossed the lips of men on either side, than were aroused by the efforts of Licinius and his steadfast colleague, now, if tradition be trusted, continued for nearly ten years.

The Tribes assembled. "Will ye have our bills?" asked Licinius and Sextius for the last time. "We will!" was the reply. It was amidst more violent conflicts, however, than had yet arisen, that the bills became laws at last.[26]

Lucius Sextius, the faithful Tribune, was elected by the Centurias the first Consul from the Plebeians. But the Curias refused to confirm his election by the grant of his commission, that is, the Imperium. Again, as through a riven cloud, the lightning seems to flash over contentions which the historian affirms to have wellnigh ended in a secession of the Plebeians.[27]

[25] Liv., VI. 42.

[26] Id., ib.

[27] "Prope secessionem plebis res terribilesque alias minas civilium certaminum venit." Liv., VI. 42. See Ovid., Fast., I. 641 *et seq.*

It is here that Camillus is introduced in the broken story, winning by far the purest renown which he at any time attained. Either holding the powers with which he had been armed to meet the Gauls, or else again appointed to the dictatorship for the present emergency, he came between the angry factions of the Commonwealth, as the bearer of olive-branches to either side. At his proposal, or at that of others more wise than he had been, the Patricians consented to the confirmation of the Consul Sextius, while the Plebeians agreed that a new magistracy should be instituted for the Patricians, under the name of the prætorship. This had once been the title of the consulship. It was now conferred upon a Prætor together with a great part of the judicial authority hitherto exercised by the Consuls.[28] The Plebeians, therefore, did not gain all that their Tribunes had claimed for them. But they were satisfied. So were the Patricians mollified. For a moment, passion and division ceased, while the old Dictator began the building of a temple to the goddess Concord.[29]

The Senate decreed that a fourth day for the Plebeians should be added to the Great Games of Rome yearly celebrated by the Patricians. At the same time the opportunity was improved, perhaps

[28] Strictly speaking, the province of the Prætor was the city. There he not only administered justice ("qui jus in urbe diceret," says Livy, VI. 42), but acted as a deputy for the Consuls in their absence, and even took the place of the Censors for the three years and a half during which, out of every five years, there were none of those magistrates in office. The first Prætor was the son of the great Camillus.

[29] Plut., Camill., 42. Liv., VI. 42.

insidiously,[30] to introduce a new Patrician magistracy under the title of the Curule Ædiles, whose office it should be to conduct the Games in the name of the entire people.

The consequences of the revolution achieved by Licinius Stolo and Lucius Sextius are to be measured only as we proceed with the subsequent history of their country. But the immediate working of their laws, though mentioned in exceedingly scanty statements, will serve to terminate the present narrative.

Of the regard paid to the new Decemvirs, or of their influence in uniting the estates to which they belonged, we actually know nothing. But we can readily conceive that the solemn robes assumed by the Plebeian priests would seem to envelop their whole order in unprecedented honor.

The operation of the law concerning the consulship is better ascertained. The authority of this great office, after the institution of the prætorship in addition to the censorship already in existence, was a very different affair from the absolute power of its early occupants. Yet, as the commission of the Consuls was still supreme a mile beyond the city walls, and as their military superiority was altogether undisturbed, the Plebeians were contented

[30] The words in the Digest are as follows: — "Tunc ut aliquo pluris patres haberent, placuit duos ex numero patrum constitui: ita facti sunt Ædiles Curules." Lib. I. Tit. II., II. 26. If the games had been previously celebrated by the Consuls, the purpose of the curule ædileship is very plain. The story of the refusal of the Plebeian Ædiles to manage the games is the more absurd, because the Plebeians were still excluded from the spectacle. Cf. Liv., VI. 42, with Niebuhr's Hist., vol. III. p. 24.

with the consular dignities. Sometimes the Patrician candidates alone were elected. On other occasions, the election of a Plebeian, if not prevented, was virtually nullified by the appointment of a Patrician Dictator.[31] So small at one period was the number of the families from whom the Plebeians chose their Consuls, that they had reason to apprehend the establishment of an oligarchy amongst themselves.[32] The hold of the Plebeians, however, upon the consulship was secured.

Such was the course of the laws of ambition, as those concerning the consulate and the decemvirate may be styled. They were the only laws of Licinius that actually succeeded.

The laws of relief which he carried failed from the outset. No general recovery of the public domain from those occupying more than five hundred jugers ever took place. Consequently, there was no general division of land amongst the lack-land class. Conflicting claims on the part of the poor must have done much to prevent the execution of the law concerning the public territories. Still more was done by the wrathful determination of the rich to surrender none of the lands which they occupied.

The law respecting debts would meet the same sort of obstacles. Many might be relieved. But the causes of embarrassment and of poverty, being undisturbed, soon reproduced the effects which no

[31] There being no less than fourteen Dictators within a comparatively brief period. Liv., VII. 21, 22, *et seq.*

[32] Arnold remarks that eight Plebeian families furnished Consuls for twenty years. Hist. Rome, vol. II. p. 65.

reduction of interest or instalment of principal could effectually remove.

Thus were the petitioners for discharge from debt or for endowment with land unable to obtain their ends. Only the candidates for office seemed to have been bettered by the Licinian laws. That it should have seemed or been so, stamps the liberty of the ancient Romans. The rich might grow richer. The high might rise higher. But for the mean and the poor there was no liberty through which they could retrieve their poverty or their degradation.

Licinius Stolo lent himself to prove the inefficacy of his laws in behalf of the lower classes. About ten years from their passage, and after having been twice elected, in that interval, to the consulship, he was brought to trial for being the occupant of one thousand jugers of the public lands, in violation of the limits by himself prescribed. Had he not been the author of the law he would probably have escaped accusation as others did by whom it was equally or more flagrantly violated.[33] Licinius could urge no other plea in his defence than that his son occupied half the estate with the occupation of which he was charged.[34] But he did not escape a heavy fine.[35]

After such an occurrence the laws of relief must have not only slumbered but wasted away. The vindication which they appeared to have received

[33] "Primus omnium sua lege punitus est." De Vir. Ill., cap. xx.

[34] "Dissimulandi criminis gratia." Val. Max., viii. 6. 3.

[35] Liv., vii. 16. Dion. Hal., Excerpt., xiv. 22. See, in some exculpation, App., Bell. Civ., i. 8.

by the condemnation of the offence against them could not counterbalance the appalling fact that the offender was their own author.

With the laws sank the great object which we have supposed them intended to secure. From the moment that the union of the Plebeians seemed a possibility it really became an impossibility. Could the low unite with the high who were despoiling them? Or could the high unite with the low on whom they were inflicting daily wrong? Abroad the hopes of liberty were shrinking where they were not already shrunken. They were proved to be mortal at Rome.

CHAPTER XI.

DEVELOPMENT OF TRIALS.

"The comparison is never to be made with an ideal standard, or even with one which a purer religion and a more liberal organization of society may have rendered effectual."

HALLAM, *Middle Ages, Suppl. Notes*, 220.

TRIALS are never stationary. If they do not decrease, they must increase. When they fail in procuring abatement, they are sure to meet with development.

It was so in Rome. The Licinian laws concerning relief could not miscarry without augmenting the necessity of relief. We soon hear of a bill to secure the operation of the law concerning interest.[1] Then follows the appointment of bankers, or commissioners of insolvency, to bring about the settlement of all outstanding obligations.[2] Within a few years, the rate of interest is reduced, while debts are divided into such portions as to facilitate their payment at maturity.[3] The very magistrates interfere to save the debtors, who form a continually growing portion of the population.[4]

[1] Liv., VII. 16.

[2] The commissioners were five in number, and were called Mensarii. Id., ib. 21.

[3] Id., ib. 27.

[4] As we gather from a single mention made by Livy (VII. 28) of prosecutions against usurers, conducted by the Ædiles.

Even the more successful laws of Licinius held but a troubled course at the outset. Consequently, the struggles of the Forum, instead of subsiding, swelled into fresh turbulence. While Lucius Sextius was in office, his opponents amongst the Patricians succeeded in suspending all those public affairs from the administration of which he might derive the opportunity of renown.[5] His successor, Genucius, was elected a second time to the consulship. But on his fall in battle, he was declared by the Patricians to have perished by the wrath of the gods,[6] indignant at the elevation of such men to be their ministers and the rulers of their people. The consular elections, repeatedly interrupted, became, in the course of a few years, such scenes of disturbance as to make all parties glad of a law which, under color of preserving order and honesty in the elective assemblies, contained provisions adverse to the interests of the Plebeian candidates.[7] At nearly the same time that Licinius Stolo was condemned by one of his own laws, another was violated by the choice of two Patricians as Consuls. The anger excited in the Plebeians was met by more than proportionate scorn from the higher estate.[8]

Nor was it only by such means as these that resistance appears to have been made to the political

[5] "Quum de industria omnia, ne quid per plebeium consulem ageretur, proferrentur, silentium omnium rerum ac justitio simile otium fuit." Liv., VII. 1.

[6] Id., ib. 6.

[7] This is a conjectural account of the law called the Pœtelian, which is described by Livy as directed against the practice of canvassing for an election, in order, as the historian says, to lessen the chances of the Plebeian candidates. Id., ib. 15.

[8] Id., ib. 18.

liberty of the Plebeians. Cneius Manlius Capitolinus, a Consul, employed the army which he commanded in passing a law. Its design, he professed, was only to lay a public tax on liberated slaves.[9] But not for this would troops have been called together to impose statutes upon their countrymen. Manlius Capitolinus had a Plebeian colleague, Marcius Rutilus. He, more successful in the year's campaign than the Patrician, had gained great numbers of captives, whose ransom would be the most valuable part of his and his soldiers' booty. Against these spoils of the Plebeian, Manlius directed his measure of taxing emancipated slaves, amongst whom ransomed prisoners were of course included. The soldiers of the Patrician, Plebeians as they were, complied with his proposals. They were probably as much angered against their fellow-soldiers of the other army, as was Manlius against its commander.

The law of the troops was confirmed by the Senate.[10] But the Tribunes of the Plebeians comprehended what had passed. Perfectly willing, they declared, to have the tax laid upon emancipated captives or slaves, as the law proposed, they were altogether opposed to the manner and the motive of its imposition. The Tribes were instantly convoked to accept a bill forbidding a magistrate or any person, under pain of death, to hold an assembly of the people, except in the legal places and under the legal forms.[11] The action of the Tribunes

[9] "De vicesima eorum qui manumitterentur." Liv., VII. 16.

[10] Or the Curias, or both. "Patres auctores fuerunt." Id., ib.

[11] All this was in A. C. 356. "Tribuni plebis, ... ne quis postea populum sevocaret, capite sanxerunt." Id., ib.

proved the ability of their order to face the increasing trials in which they were involved.

Amongst the leaders of the Plebeians none was more resolute than Caius Marcius Rutilus, the victorious colleague of Cneius Manlius. In the next year after his consulship, Rutilus, first of his order, was named to the dictatorship, which it had been proposed to fill in consequence of the advance of a numerous enemy from Etruria. But when the nomination of a Plebeian was communicated to the Senate, it was determined by that body to hinder the Dictator from taking the field. Nor would he have been been able to move in defence of the city, had not the energetic support of his order secured him the requisite supplies. On his return victorious the Senate denied him the right to triumph; but again the Plebeians[12] took his part, and enabled him to celebrate his successes as they deserved. Even though the opposition of the Senate had thus been twice overcome, the Patricians were able to prevent the Dictator or the Plebeian Consul from holding the elections for the succeeding year. The dictatorship of Rutilus was followed by the choice of both Consuls from the Patricians.

Again the determination of the Plebeians was evinced through that of their leader. Three years after his dictatorship, Marcius Rutilus obtained the consulship. With the aid of his colleague, elected by the same party that had elected him, Rutilus took

[12] Whether in the Centurias or the Tribes does not appear, either in this or the preceding instance. Livy (VII. 17) says simply, "Populus jussit," and "Populi jussu."

measures to relieve the debtors by the appointment of public bankers or commissioners. In consequence of their intervention, the affairs of very many individuals were so much changed for the better as to require a new Census.[13]

The censorial canvass opened the following year. None, the more earnest Plebeians would aver, are fitter to take part in it than our Consul, whose exertions have led to the want of the new Census. Rutilus, accordingly, presented himself as a candidate for the office of Censor. To demand the censorship was to open a demand upon the prætorship in favor of the Plebeians, from whom, as may be remembered, the powers of both offices had been sequestered. The appearance, therefore, of Rutilus in the canvass was the signal for a general uproar. The newly-elected Consuls, both Patricians, and backed by the great majority of their order, refused to admit a Plebeian as a candidate. On the other hand, the man who had been disciplined by a life-long struggle against the prohibitions of the superior estate did not now succumb, sustained, too, as he was, by the Tribunes and nearly the whole body of the Plebeians. Rutilus was elected Censor.[14] Strong in the support of his order mounting with him, Marcius Rutilus subsequently rose to higher honors.

Yet the ascent was far from being unimpeded. Opening the old history at any page of the present period, the reader finds himself in the midst of dis-

[13] Liv., VII. 22. [14] Id., ib.

orders and hostilities within the Roman walls. If he would go out in search of other proceedings, it must be with the army that soon loses itself in fearful defeats or still more fearful victories. Sometimes the lights sink upon yet darker scenes.

A broken narrative relates a mutiny occurring amongst some legions quartered in Campania. The watchful activity of Marcius Rutilus, then in his fourth consulship,[15] prevented the general eruption that had been planned. But one cohort, breaking through the persuasions and the precautions of the Consul, set out towards Rome. Some of these men were in pursuit of blood or rapine. The larger number probably consisted of paupers and bondmen, weary of their past privations or maddened by the sufferings before them. At first encamping upon the Alban hill, and seizing a Patrician, Quinctius by name, as their leader, the mutineers pressed on, until arrived within eight miles of the city. There, meanwhile, the tidings of the strange invasion had produced the greatest excitement amongst those whose circumstances or passions inclined them to side with the insurgent soldiers. So far as the relation, just confessed to be a broken one, can be repaired, it appears that many in Rome took arms and chose a leader for themselves.[16] At all events, the most strenuous measures were adopted to crush the insurrection. One of the most famous Patricians, Valerius Corvus, hastily appointed Dictator,

[15] Liv., VII. 28, 38. This was either A. C. 341 or (for dates are still uncertain) 339.

[16] Id., ib. 42. See Arnold's History, vol. II. pp. 120, 121.

was despatched with an army against the mutineers, who, leagued through misery, were likely to be resolved upon desperate combat and terrible victory.

But when the soldiers on either side beheld one another's faces, and heard the voices of friends amongst those whom they had been prepared to slaughter as enemies, there rose a universal outcry that they could not turn their arms against their countrymen. The stout-hearted men under the Dictator's command were willing that their mistaken comrades should be forgiven. Most of the insurgents, who had been driven to mutiny by affliction rather than by ferocity, were equally willing to sue for forgiveness, so that their wrongs were but redressed. Instead of dealing blows, they used only "groans and tears."[17] The feeling of the troops on both sides was shared by the leaders. Whether it were Valerius Corvus, or Quinctius, or Rutilus, who pleaded the cause of humanity, it was to the honor of them all that humanity prevailed.[18]

It extended to those left behind in the city. Instead of meeting to gainsay the proceedings in the field, the Senate assembled in haste to ratify them. An amnesty was granted. The universal abolition of debts was proclaimed. It seemed as if the Patricians were at length stretching out their hands to the Plebeians as to their fellow-citizens.

A Tribune of the good old name of Genucius attempted to complete the reconciliation amongst the

[17] *Ὀδυρμοὶ καὶ δάκρυα.* Appian., Reb. Samnit., Exc. 1, 2.

[18] The glory of having terminated the insurrection is commonly ascribed to Valerius Corvus. Appian., ut supra. De Vir. Illust., cap. XXIX.

different classes of his fellow-citizens. On his motion, a bill was passed prohibiting usury. It seems to have been likewise at his proposal that some other bills were immediately afterwards adopted by the Tribes. One of these new laws forbade the election of any person to two magistracies at once. Another interdicted reëlection to the same office within ten years. Still a third declared it lawful for both Consuls to be taken from the Plebeians.[19] These last enactments were to assist the ambitious members of the lower estate who had not yet been able to obtain the honors but nominally within their grasp. The former law, concerning usury, was intended to relieve such as were desirous of security rather than of authority in the Commonwealth.

The Campanian mutiny proved a crisis. It might have led to utter ruin. As it was, it opened a prospect into quieter and freer times. Thus the abatement of the previous trials followed close upon their development.

[19] Liv., VII. 42.

CHAPTER XII.

DEVELOPMENT OF ENERGIES.

> Insegne aperte al vento,
> Destrier contra destrier, genti disperse
> Nel piano, e petti non da noi più lunge
> Che la misura d'una lancia.
>
> MANZONI.

IT has already appeared how the increase of trials increased the energies with which they were met. The relief to the former did not extinguish the latter. On the contrary, the development of the energies natural to the Romans may be traced through many subsequent years.

Looking abroad, we discern no peace on any side. The Etruscans and the Gauls kept up the din of battle in the north. On the south, the circle of hostilities was so enlarged as to comprehend Latium, Campania, and even Samnium. The first war with the Samnites lasted two years.[1] But it was only the precursor to other contests of longer duration and severer character with the same people.[2] The Campanian nations were more tho-

[1] A. C. 340–338. Liv., VII. 31, VIII. 2. We may follow Livy's chronology from this date forward.

[2] The second war was in A. C. 323–303. Liv., VIII. 23, IX. 45.

roughly worsted; while the Latins were subdued in a single war, almost in a single campaign.[3] The ease with which these successes appear to have been achieved was such as to show how rapidly and vigorously the Romans were gathering strength for conflict.

Within ten years after the consulship of Lucius Sextius, two new tribes were formed, in part from the conquered Volscians, perhaps in part from the allied Latins.[4] The people of Campania and of Latium seem to have been mingled in four more tribes subsequently organized by the conquerors.[5]

At the same time that the city was thus increasing with present conquests, the future marches of its armies were prepared. A treaty with Alexander, the adventurer-king of Epirus,[6] and two new leagues with Carthage[7] belong to the period over which we are passing. They betoken the impulse to enterprise and triumph that was felt in every limb and every nerve.

To seek the men by whom these energies were exerted we must turn from the field to the Forum and from the Forum to the field.

Publius Decius Mus, a Plebeian, is first mentioned as one of the commissioners of insolvency[8] during the second consulship of Marcius Rutilus. He is

[3] That of the great battle of Vesuvius, A. C. 337. The war actually lasted two years, to A. C. 335. Liv., VIII. 3, 6, 9, 13.

[4] A. C. 357. Liv., VII. 12, 15.

[5] Two in A. C. 329. Liv., VIII. 17. And two in A. C. 316. Liv., IX. 20.

[6] A. C. 329. Liv., VIII. 17.

[7] A. C. 347. Liv., VII. 27. A. C. 305. Liv., IX. 43. Cf. Polyb., III. 24.

[8] Liv., VII. 21.

afterwards described as having saved a whole army from the peril into which it had been brought by the Consul in command.[9] Approved for prudence in peace as well as for valor in war, Decius was elected to the consulship within a year or two later, when the Latin war was at hand. It was decided between Decius and his colleague, Manlius Torquatus, that he whose cohorts first fell back, in the anticipated battle with the Latin forces, should devote himself to death, in faith that the gods would requite the sacrifice with victory to the survivors. In the action ensuing beneath Vesuvius, the troops that served with Decius began to yield. The gallantry of their leader proving insufficient to keep his followers firm, he did not hesitate an instant, but, bidding the Pontiff with the army to dictate the words by which the offering of his life might most decorously be made, he repeated them, and dashed headlong amongst the enemy. They, terrified as much as the Romans were encouraged by his death, soon fled routed.[10]

Manlius Torquatus, the colleague of Decius, had already proved his devotion to the Commonwealth. On approaching the foe now conquered, he had prohibited his men from exposing themselves to the hazards of personal encounters with their enemies. A challenge tempted the son of the Consul to disobedience. Not doubting the readiness of his father to forgive him, the young Manlius brought back the spoils of a Tusculan warrior whom he had slain.

[9] Liv., VII. 34 *et seq.*

[10] Id., VIII. 9, 10.

The corpse of the victor, executed by the orders of his parent, soon lay beside the spoils of the vanquished.[11] Some of the younger men declared that the fate of their comrade was an outrage upon humanity.[12] The elder men in Rome applauded it as a sacrifice to be ranked with that of Decius.

In truth, the judgment of Manlius Torquatus upon his son was altogether Roman. If in any way remarkable it was so only from the contrast between the warm affection which Torquatus in his younger days had shown towards his own father. One-and-twenty years before, the prevalence of an epidemic suggested the appointment of a Dictator to perform the religious ceremony,[13] in which, it was believed, lay the only hope of staying the pestilence. Accordingly, Lucius Manlius Capitolinus was appointed. But the remedy proved nearly as bad as the disease. For the name of Imperiosus, the Imperious, then borne or acquired by Manlius, was well deserved by his arbitrary attempts to retain and enforce his authority beyond the occasion for which it had been conferred. His violence went so far as to furnish the grounds of a prosecution instituted the next year by Marcus Pomponius, a Tribune. In the course of his suit, Pomponius insisted not only upon the public misconduct of the Dictator,

[11] Liv., VIII. 7. App., Reb. Samnit., III.

[12] Liv., VIII. 12.

[13] Which was nothing more than driving the Yearly Nail, usually driven by some other magistrate or priest, into the wall of the temple of Jupiter. Liv., VII. 3. Livy (VII. 6.) also assigns the legend of Marcus Curtius to the same period. His plunge into the yawning gulf, for the sake of Rome, was but an imaginary instance of the actual and active patriotism of his countrymen. Val. Max., V. 6. 2. Plin., Nat. Hist., XV. 20.

but more particularly upon the cruelty of Manlius in private towards his son Titus, whom he kept removed from the opportunities and honors befitting the young man's rank and age. The son, then in the country, no sooner heard of the accusation against his father, than he hastened to Rome, and, obtaining access to Pomponius, extorted from him, under threat of instant death, the promise of dropping the charges which he had made. It was not behaving, as the historian declares, much like a peaceable citizen.[14] But the action of the young man so commended itself for its filial piety in the eyes of the people, that the father was acquitted, while the son was advanced to a post of distinction in the army. It was the same son who became the severe father, sentencing his own offspring to death.[15]

Amongst the milder Patrician heroes was Marcus Valerius Corvus. First elected Consul at the age of twenty-three, and again within a twelvemonth from the expiration of his term, Valerius Corvus was two years after chosen a third time to the same office. While his colleague owed his safety to Decius Mus, Valerius was overthrowing the Samnites at Gaurus and Suessula.[16] The good offices that allayed the mutiny of the troops and the bondmen, in the following year, were suggested or supported with all earnestness by Valerius. With such a man, regard for his own dignity would not, as the

[14] "Non civilis exempli . . . . acerbe severus in filium." Cic., De consilium." Liv., VII. 5. Off., III. 31.

[15] "Perindulgens in patrem, idem [16] Liv., VII. 26–28, 33, 37.

historian remarks, induce forgetfulness of the liberties or the necessities of other men.[17]

Here we may turn from the battles without the walls to the contentions within them. Quintus Publilius Philo, a Plebeian like Decius, and like him also, introduced in history as one of the commissioners for the liquidation of debts, was elected Consul the year after the death of his former colleague. On account, it was said, of a rebellion amongst the newly-conquered Latins, but rather, it may be affirmed, of high-running strife between the extreme and moderate parties, a resort to the dictatorship was resolved upon. The nomination to the office was intrusted, as of necessity, to the Patrician Consul, Æmilius Mamercinus. He, however, had been at swords' points with the extreme party ever since his entry into office. Having constantly behaved, as the old historian pronounces, more like a seditious Tribune than a true Consul,[18] he now declared his colleague, Publilius, Dictator, with the understanding, apparently, that his opponents were to be humbled.

The Publilian laws were the result of the agreement between their author and his Patrician partisan. Therefore the dubious terms in which the enactments are preserved may be interpreted as having been couched against the extreme party of the Patricians. One law declared the decrees of the Tribes to be binding upon all classes. Another

[17] "Haud minus libertatis alienæ quam suæ dignitatis memor." Liv., VII. 33. Cf. Capp. 32–40.

[18] "Alienatus ab senatu Æmilius seditiosis tribunatibus similem deinde consulatum gessit." Liv., VIII. 12. This was all in A. C. 336.

empowered the Centurias to pass their bills with the previous, perhaps the nominal, approval of the higher assemblies. A third ordered that one of the Censors should always be elected from the Plebeians.[19] "More injury," says the historian, "was thought by the Patricians," that is, the extreme Patricians, "to have been sustained at home from Consuls and Dictator, than all their victories abroad could possibly repair."[20]

The Senate was at this time largely, though not predominantly, composed of Plebeians. Many, if not most of them joining the moderate Patricians, would, with these, constitute a formidable minority, and sometimes even, as perhaps at present, an actual majority in the Senate. But the Curias were still in the exclusive possession of the Patricians. Greatly reduced in point of numbers, they would be actuated by augmented hostility to the measures supported by the Plebeians, allied to the moderate men of their own order.[21] It may have been against the Curias, therefore, that the proceedings of Publilius Philo and his party were directed. In this case we may read the first law as having deprived the Patrician assembly of its veto upon the bills which passed the Tribes. The second law stripped the Curias of

[19] The whole passage from Livy (VIII. 12) may be transcribed: — "Dictatura popularis et orationibus in Patres criminosis fuit, et quod tres leges secundissimas plebei, adversas nobilitati, tulit: unam, ut plebiscita omnes Quirites tenerent; alteram, ut legum, quæ comitiis centuriatis ferrentur, ante initum suffragium, Patres auctores fierent; tertiam, ut alter utique ex plebe, quum eo ventum sit, ut utrumque plebeium consulem fieri liceret, censor crearetur."

[20] Liv., loc. cit.

[21] "And it is often seen," as Lord Bacon wrote, "that a few that are stiff do tire out a great number that are more moderate." Essays, LI.

the same right with regard to the legislation of the Centurias.[22]

Publilius may be followed farther in his career, as the representative of the party to which he belonged. Two years after the passage of his laws, he was elected the first Plebeian Prætor, in spite of determined opposition on the part of his old antagonists.[23] The next year, another Æmilius Mamercinus, probably the brother of the former Consul, being named Dictator, appointed Publilius Philo to the mastership of the Knights.[24] Four years later, when his energies had been already so often tried, he was chosen Censor.[25] Mere list of offices as this may be, it proves the energies that had been developed amongst the party of Publilius Philo.

The year after the censorship of Publilius is marked by a tradition that one hundred and seventy matrons were condemned for poisoning great numbers of distinguished men.[26] The simple tradition throws a lurid shade over the experiences of the growing nation. Was there a struggle amongst the women to raise themselves from their helplessness? Or had the continuance of warfare introduced a corruption before unknown throughout the various classes of the people? Such questions cannot be answered. But the fact that they can be asked is

[22] This interpretation could not have been given but for Niebuhr's aid. See the chapter on the Publilian laws in his third volume.

[23] A. C. 334. Liv., VIII. 15.

[24] Id., VIII. 16.

[25] Liv., VIII. 17. It was the year in which the twenty-eighth and twenty-ninth Tribes were enrolled, and of course by the Censors.

[26] Id., VIII. 18.

sufficient to prove how completely the development of energies in public was unattended with the development of virtues or of powers in private. The liberty of the Romans continued the liberty of citizens or of warriors. Not yet for men, as such, not yet for women, was there any liberty.

Something, however, there was of additional regard for the rights of the inferior classes. In peace the magistrate or the superior was always majestic. But he was oftener obliged to consult the pleasure of the subject or the citizen. In war, the precedence of the commander or the officer was as great as ever. But the soldier had a more frequent share of the spoils[27] or of the lands[28] resulting from the campaign.

To return to the wars. The constitution of the Roman legion, perhaps completed at this period, rendered each individual of more or less importance. Even the supernumeraries, before well worthy of their name, now had some duties to perform, as in the great battle under Vesuvius, where they were gathered into a sort of reserve which bore no inconsiderable part in the decision of the conflict.[29] Incessant and sanguinary campaigns like those against the Latins and Samnites, more alarming enemies than those of former times, suffered few who were fit for military service to be overlooked, as when the Patricians, assisted by the immortals, had scorned all Plebeian aid. The swifter movements of the legion, in contradistinction to those of the

[27] Liv., VII. 37.
[28] Id., VIII. 10
[29] Id., VIII. 11.

heavy-armed phalanx, were of sensible influence, one may conjecture, upon the habits of the whole nation as well as of the soldiery.

All this increased the passion of the Romans for warfare. Once it was the higher estate alone that proposed the levy or urged the expedition in arms. Now it was the Plebeian estate that insisted upon commencing or prosecuting the campaign which they would have formerly eluded, or openly refused to undertake at all.

The introduction of the conquered amongst the conquerors contributed to the development of the national energies. Some of the vanquished were not only received as Roman citizens, like the people of Lanuvium,[30] but also elevated, like the sixteen hundred Knights of Capua,[31] as the superiors of their own countrymen. Others were plundered like the inhabitants of Antium, or, like the people of Velitræ, transported to distant habitations.[32] Such a policy as this towards the conquered did not tend to increase the strength of the Romans. It was only a milder course that could enhance the energies of the victorious nation. For thus alone would its citizens be multiplied. The multiplication of

[30] "Lanuvinis civitas data, sacraque sua reddita cum eo, ut ædes lucusque Sospitæ Junonis communis Lanuvinis municipibus cum populo Romano esset." See the whole section, the 14th of Livy's eighth Book.

[31] "Quia non desciverant, ... equitibus Campanis civitas data. . . . . Vectigal quoque iis Campanus populus jussus pendere in singulos quotannis (fuere autem mille et sexcenti) denarios nummos quadringenos quinquagenos." Liv., VIII. 11.

[32] Liv., VIII. 14. The fate of Brutulus Papius, the gallant leader of the Samnites (Liv., VIII. 39), and the horrible treatment of the Ausonian towns (IX. 25), are darker instances of the same policy.

its subjects by means of the severer policy tended to subdue rather than to quicken the energies of the victors.

These are but truisms. Yet it seems necessary to repeat them in order to estimate the importance of the system generally pursued in relation to the vanquished nations. A few of the brighter episodes in the wars of the period will show how the more liberal policy as yet prevailed.

The Volscians, though much reduced by the victories of Valerius Corvus, in his second consulship, were, like nearly all the enemies that environed Rome, hard to be really conquered. Many of their separate states and cities took part in the subsequent Latin war; and several years after the conquest of Latium, the people of Fundi and Privernum, both Volscian towns, appeared again in arms, but with no better fortune. On the overthrow of their forces, their leader[33] was sentenced to death, while their chief men were ordered to be transported beyond the Tiber.[34] But the people, or the popular party as it should perhaps be called, of Privernum, without waiting further sentence upon themselves, sent off an embassy to Rome, where it was introduced by Plautius Decianus, the conqueror of Privernum and one of the Consuls, into the presence of the Senate. The envoys came to plead for merciful treatment. But no sooner did they appear

[33] Vitruvius Vaccus, who belonged to Fundi, but had a house on the Palatine in Rome. Arnold thinks he aspired after complete citizenship, and took the lead in the rebellion or the war because he was disappointed. Hist. Rome, vol. II pp. 178, 179.

[34] Liv., VIII. 20.

than one of them was pointedly asked what punishment he thought befitting his rebellious fellow-townsmen. "Such," he answered truly, "such as they deserve who think themselves worthy of being free." "And if we pardon you," interrupted the Consul Plautius, "what kind of peace shall we have in return?" And again the ambassador replied with spirit: — "Give us good terms, and they shall be observed; but impose hard ones, and ye cannot expect them to be kept." Plautius spoke out as became a man who had a heart to forbear as well as an arm to conquer, declaring that they who esteemed liberty above all things were fit to be citizens of Rome. Thereupon the Senate dismissed the embassy with assurances of pardon and good-will. The Centurias, being shortly after convened, confirmed the proposal of the Senate that the rights of citizenship [35] should be granted to Privernum.[36] The other city, Fundi, appears to have been dealt with as wisely.

Five years afterwards, when the Samnite war had involved the allies as well as the citizens of Rome in increased hardships, Privernum was again driven to insurrection, together with the Volscian Velitræ and the Latin Tusculum. There are but confused accounts of an advance of forces, followed by their retreat and their submission to the again victorious Romans. Through the dust, as it were, of marches

[35] Not meaning in this instance, or in most instances, that the new citizens were completely naturalized, but that they obtained only the private, or personal and social, rights of citizenship. The public or political privileges were acquired by actual admission into the Tribes.

[36] A. C. 326. Liv., VIII. 21. Cf. Dion. Hal., Excerpt. XIV. 23.

and battles, we catch a glimpse of a more peaceful scene, in which the victors forgave the vanquished, and even allowed the leader of the insurgents, a citizen of Tusculum, to be chosen Consul of Rome for the next succeeding year.[37] Twice conquered were he and his people by the treatment which they received.

Amidst these various conflicts, some figures stand forth prominent in the history of the present epoch, illustrating, in one point or another, the energies which were developing themselves throughout the Commonwealth.

The dictatorship of Lucius Papirius Cursor occurred in the year following the outbreak of the second Samnite war.[38] He was one of a class, apparently, who, having grown old in unswerving bravery[39] and in equally unswerving support of the laws, would, when advanced in years, naturally claim from younger men the same course as that of which they themselves had set and kept the example. Papirius, on being nominated Dictator, appointed Quintus Fabius Rullianus to the mastership of the Knights. Together, the one as commander, and the other as lieutenant, they hastened to meet the untiring foe in Samnium. Instead, however, of the campaign proceeding smoothly, the auspices under which it had been begun were declared to have been imperfectly observed. Of which Papirius was

[37] Liv., VIII. 37, where the difficulty of the Tusculans in obtaining pardon is perhaps exaggerated.

[38] A. C. 322. Liv., VIII. 29.

[39] Livy (ut supra) calls him "longe clarissimum bello ea tempestate."

no sooner informed than he set out to take them over again at Rome, charging his lieutenant, as he left the camp, on no account to come to an engagement during his absence. Fabius was too fond of glory or too hot of temper to lose an opportunity, which soon presented itself, of meeting the enemy under great advantages. Encountering them, he gained, as is told, a wonderful victory. The news was brought in a despatch from Fabius to the Senate, to which he addressed himself rather than to the Dictator, in the hope of obtaining support against the anger sure to be roused on the part of his commander. Full of wrath and determination, Papirius hurried to the camp, where he would have put Fabius to death, had not the Master fled to Rome. There, aided by the entreaties of his father and the whole people, he prevailed upon the Dictator to pardon the offence adjudged so heinous against himself and against the laws.[40]

A much more remarkable instance of subjection to the laws occurs in the person of Spurius Postumius, Consul for the second time. In the fifth year of the same Samnite war,[41] he was surprised and defeated[42] at Caudium by Caius Pontius, the famous Samnite general. Granting terms that are represented as extremely moderate, and retaining only his hostages, Pontius dismissed the rest of the army unharmed. But the conditions of surrender,

[40] Liv., VIII. 29–35. Cf. Val. Max., II. 7. 8.

[41] A. C. 319. Liv., IX. 1.

[42] Livy mentions no battle; but that there was one appears from Cic., De Off., III. 30: — "Quum male pugnatum apud Caudium esset."

whereto the Consuls and all the superior officers solemnly swore fidelity, bound the Romans to a peace which they had no intention of observing. The Consuls were obliged to resign the authority which they were thought to have defiled into the hands of Publilius Philo and Papirius Cursor.[43] The Senate was convoked. Before it, rose Postumius, entreating that he and all who had made the recent treaty should be delivered to the enemy, so that their act might be no longer binding upon their countrymen. It was then believed that the loss of honor was not so irreparable as it had appeared. None opposed the offer, save only two officers or magistrates,[44] included amongst the number proposed by Postumius to be surrendered. His suggestion, made not in casuistry or injustice, but in thorough self-devotion, was carried into effect, and the troop of officers, naked and bound, set off for the Samnite quarters. Caius Pontius, scorning the device "as one scarce fit to be employed by children,"[45] ordered the prisoners, whose sacrifice he was too noble-minded not to respect, to be set at liberty.[46]

The defeat at Caudium was not the only disaster in a warfare so ceaseless and so harassing as that in which the Romans were on every side engaged. Even Fabius Rullianus, who had been elected Consul since his offence against Papirius, was entirely

[43] Liv., IX. 7. See the account in Appian., Reb. Samnit., IV. 7.

[44] Tribunes of the Plebeians, according to Liv., IX. 8, and Cic., De Off., III. 30. See Niebuhr, vol. III. p. 106.

[45] "Vix pueris dignas ambages." Liv., IX. 11.

[46] Id., ib. The conclusion of the historian, as to the efficacy of their surrender, is a little hesitating: — "Forsitan et publica, sua certe liberata fide."

routed at Lautulæ, where he commanded as Dictator.[47] He was also, however, the hero of many great triumphs. When the Etruscans were in arms, Fabius, being then Consul for the third time, crossed the Ciminian hills, never before passed by a Roman army, and swept the valleys of Etruria.[48] Papirius Cursor won his last victories in the same tempestuous times.[49] Another great name descended from a noble father to a noble son, Publius Decius Mus, Consul, Master of the Knights to Papirius, and Consul again,[50] must be added to the list of heroes.

Soon the Etruscans, the Marsians, and some of their neighboring people, even up to Umbria, broke out into hostilities.[51] The example was very shortly followed by the Hernicans,[52] and finally by the Æquians.[53] All these, though not arrayed at once against the Romans, so swelled the host as to threaten their enemy with ruin. But not long. Some were struck down by a blow, like the Hernicans, forfeiting alike their territory and their independence.[54] Others, like the Æquians, though losing forty-one towns in fifty days, were but temporarily prostrated.[55] The Etruscans and the other northern people were defeated, not subdued.[56] Samnium

[47] A. C. 318. Liv., IX. 23.

[48] The war broke out in A. C. 310. Liv., IX. 29. The passage of the Ciminian hills, two years later, is described in Liv., IX. 35 *et seq.*

[49] He was nominated by Fabius to his last dictatorship in A. C. 308. Liv. IX. 38. Florus (I. 16) describes the whole Samnite war as waged "per Fabios et Papirios patres eorumque liberos."

[50] Liv., IX. 28, 40, 41.

[51] A. C. 307. Id., ib. 41.

[52] A. C. 306. Id., ib. 42.

[53] A. C. 304. Id., ib. 45.

[54] Id., IX. 43. It is to this time that Livy's account of the treaty of Spurius Cassius (see pp. 222, 223 of this volume) would have been applicable.

[55] Id., ib. 45.

[56] See Id., X. 3, 4.

submitted, though by no means to actual dependence, after a war of more than twenty years.[57]

The preceding sketch shows the development of energies. It shows their concentration likewise. The liberty which the Plebeians had struggled for near a century and a half to obtain, seemed to have been won only to increase the narrow realms of force instead of extending the wider domains of right and of peace.

[57] Liv., IX. 45.

CHAPTER XIII.

FLAVIUS THE FREEDMAN'S SON.

"The battle is not to the strong alone; it is to the vigilant, the active, the brave."

PATRICK HENRY.

THE growing consideration for the lower orders has been observed. It sprang from their growing importance in a nation of which both the trials and the energies were in process of development. As yet, however, the regards vouchsafed to the inferior classes were generally such as the superior bestows upon his inferiors for his own sake rather than for theirs.

At times, the lower orders would rise to claim redress for themselves. A young Plebeian, named Caius Publilius,[1] had given himself up, in his father's place, to a fiendish creditor, from whom he suffered all sorts of cruelty and wrong. Escaping one day into the open street, he there entreated public protection. The excitement aroused by the spectacle of his misery was fanned by the universal embarrassment amongst the people. The Consuls found

[1] Liv., VIII. 28. Cf. Val. Max., VI. 1. 9.

it prudent to propose a law which the Centurias gladly accepted, as if, says Livy, it had been a second beginning of freedom.[2] For it was nothing less than the abolition of imprisonment for debt.[3] This was distinctly a gain to the inferior classes.

Usually, the lower ranks appear to be struggling only in dependence upon the higher. A few years before peace was concluded with the Samnites, Caius Mænius, a Plebeian of family and personal renown,[4] was named Dictator, with the charge of anticipating a sedition suspected of being planned in Capua. During his investigations there, Mænius is said to have received information of plots existing amongst his own fellow-citizens, in concert, apparently, with the disaffected Capuans. So formidable was the intelligence, that the Dictator transferred his tribunal to Rome, where he called before him the Patricians charged with illegal projects. The trial, if trial there were, is involved in obscurity. The parties accused appear to have retorted upon the Dictator and his supporters[5] by counter-accusations, concerning which we are also uninformed. It may be only a conjecture,[6] that the

[2] "Eo anno" (A. C. 323) "plebi Romanæ velut aliud initium libertatis factum est, quod necti desierunt." Liv., VIII. 28.

[3] The law, which took the name of the Consuls Pœtelius and Papirius, is thus described: — "Ne quis, nisi qui noxam meruisset, donec pœnam lueret, in compedibus aut in nervo teneretur: pecuniæ creditæ bona debitoris, non corpus obnoxium esset. Ita," adds the historian, "ita nexi soluti; cautumque in posterum, ne necterentur." Liv., *ut sup.* See, also, Cic., De Rep., II. 34.

[4] Acquired in his consulship at the conclusion of the Latin war; Liv., VIII. 13. It was now A. C. 312.

[5] If they were such, which is uncertain. Publilius Philo was one of the number. Liv., IX. 26.

[6] Though supported by the turn of Livy's narrative. IX. 26.

arraigned Patricians belonged to the extreme faction, then strong enough to avert sentence from being pronounced against its partisans. If a conspiracy had been formed, it would seem to have been in conjunction with the lower classes of Capua with whom the lower classes of Rome may have been leagued in support of their Patrician leaders.

The movements on foot appear more plainly in the course of the subsequent events. The tendency between the higher Patricians and the lower classes of the Plebeians to coalesce, for the sake, on both sides, of obtaining the superiority over the liberal or middle party has been remarked. The divisions among the Plebeians could lead to no other result than the willingness of either party that proved the feeblest to throw itself into the opening arms of its adversaries.

The career of Appius Claudius, afterwards known as Appius the Blind, discloses openly the alliance of the highest and the lowest classes. He was elected Censor within two years from the dictatorship of Mænius. As was customary, he entered, with his colleague, Plautius Decianus,[7] upon the charge of filling the vacancies which had occurred within the Senate since the last nominations to that body by the preceding Censors. Hitherto, the new elections had always been made from certain lists of citizens who had either borne great offices or possessed high rank. But Appius, determined to secure his authority, either for his own sake or for

[7] The same who stood by the conquered people of Privernum.

that of his faction, through any support which he could command, now named several of the lowest men in Rome as Senators. Amongst the number he admitted even sons of freedmen,[8] who, as such, were scarcely considered to be absolutely free, much less to be worthy of any political advancement.[9] The nomination was backed by a powerful party, out of rather than in the Senate. It was vainly, if not feebly, opposed by Plautius Decianus, who resigned his office in disgust at his colleague.[10] Appius the more earnestly pressed his nominations, and they were carried. But in the following year, the Consuls, who could call such and such only as they pleased, to the Senatorial sessions, struck from the roll all the recently appointed Senators.[11]

Nor were the Consuls alone in opposing the proceedings of Appius Claudius. Still in office, he was assailed by some of the Tribunes, now the representatives, as must be remembered, of the middle party, rather than of the Plebeian estate. At this the Censor admitted all the freedmen in Rome to the Tribes, amongst which he distributed them in such a manner as promised him the most effectual support.[12]

The son of a freedman, whose name stands at the head of the chapter, was one of the partisans

[8] Diod. Sic., xx. 36. Suet., Claud., 24.

[9] "Two free ancestors, just as much as landed property, or at least an agricultural occupation, and the not carrying on of commerce or a handicraft, formed the conditions by which persons had the right of belonging to the Plebeian order." Niebuhr, Hist., vol. III. p. 140.

[10] Liv., IX. 29.

[11] Id., ib. 30.

[12] Id., ib. 46. The censorship of Appius began in A. C. 310.

attached to the Censor and his adherents. Cneius Flavius had been singled out by Appius to serve him in the capacity of scribe or private secretary. In this post he was probably intrusted with the management of the poorer Plebeians, of the freedmen and of the still inferior ranks from which the extreme Patricians were fain to draw their recruits Well must Flavius have played his part.

For he soon showed himself capable of sustaining a much higher one. Weary of the pretended favor which he and his comrades received in return for their unstinted support, Flavius seems to have caught at the opportunity of making himself the leader of a comparatively independent party. No longer, he may have reasoned, shall the lower classes be obliged to right themselves by this blind dependence upon those too far above them to be their friends.

The Censor Appius, who was a jurist in his day, appears to have compiled a sort of manual concerning the business-days of the Calendar and the forms of instituting or conducting a suit before the courts. Both these subjects had been and still were kept in profound concealment from the mass, as well the upper as the lower classes of the Plebeians. They were therefore obliged, in case of any legal proceeding, to resort first to the Pontiff to learn on what day, and next to the Patrician jurist to inquire in what form, they could lawfully introduce their affairs before the judicial tribunals. This manual was very likely given to Flavius to copy. It could not have been with the knowledge, much less

with the desire of his employer, that it was published. The haughty Patrician, while he had no wish to enlighten even the multitude which supported him, would have been distinctly opposed to any measure in favor of the middle classes, who were attached to his antagonists, and who would be much more benefited than the lower orders by the publication of legal calendars or formularies.

Flavius the freedman's son stood in a very different position. If he wished to prove his independence of his patron, there was no better method of doing so than by divulging the mysteries which his patron chose to keep concealed.[13] If he desired to conciliate the real Plebeian party, as one with which it was far wiser for him and for his associates to act than with the Patricians, Flavius would be equally led to determine upon the publication of his legal discoveries.[14] The step was taken. The freedman's son revealed to the Plebeians what none of them had been able to espy for themselves.

He did not go unrewarded. Apparently, he had

[13] Cicero says that the forms disclosed by Flavius had been most undeniably abused to the advantage of the learned: — "Erant in magna potentia qui consulebantur: a quibus etiam dies, tanquam a Chaldæis, petebatur." Pro L. Murena, 11. "Civile jus," says Livy, "repositum in penetralibus pontificum, evulgavit, fastosque circa forum in albo proposuit, ut, quando lege agi posset, sciretur." IX. 46; where, however, the publication is erroneously, as it seems, ascribed to the year of Flavius's ædileship. See Hugo's Hist. Roman law, sect. CLXXXII.

[14] Pomponius the jurist says expressly, — "Postea cum Appius Claudius proposuisset et ad formam redegisset has actiones, Cnæus Flavius, scriba ejus, libertini filius, *subreptum* librum populo tradidit; et adeo gratum fuit id munus populo, ut tribunus plebis fieret, et senator, et ædilis curulis: hic liber, qui actiones continet, appellatur jus civile *Flavianum*." Digest., lib. I. tit. II., II. 7. Compare, however, Plin., Nat. Hist., XXXIII. 6, and Cicero, Pro Murena, 11.

been declared a Senator by Appius Claudius. But from this dignity he had been deposed by the opponents of the Censor. The posts to which Flavius now attained were the comparatively humble ones of watchman and colonial commissioner. Rapidly rising, he became Tribune of the Plebeians. Then he stood forth as a candidate for the higher honors of the curule ædileship.[15] The Ædile presiding at the election refused to receive the suffrages in favor of Flavius. "No scribe," it was proclaimed, "can be made a curule magistrate." "But I renounce my office as a scribe!" cried Flavius, at the same time laying down the tablets on which he happened to be employed in registering the proceedings of the assembly. His election was straightway carried.[16] So was that of the candidate for whom as a colleague, he may have declared his preference. This was Quintus Anicius, "but lately," says the subsequent writer, "an alien."[17]

The indignation of the extreme Patricians may be conceived. Here was a man, until recently one of their most serviceable instruments, now the leader of their most dangerous antagonists. To do him all the injury which, for the moment, they were capable of doing, the Patricians put off their rings of gold as in a season of public disgrace.[18] The new Ædile had much difficulty in maintaining his

[15] This was A. C. 303, seven years after the beginning of Appius Claudius's censorship.

[16] Liv., IX. 46.

[17] "Qui paucis ante annis hostis fuisset." Plin., Nat. Hist., XXXIII. 6.

[18] Plin., loc. cit. Liv., IX. 46.

dignity. Going, one day, to visit his colleague then indisposed, he found Anicius surrounded by some young men of the Patrician faction. They had probably sought Anicius in his illness in order to bring him over the more readily to their interests. However disconcerted they may have been by the appearance of Flavius, they seized the opportunity of affronting him by refusing to rise, as they were bound to do in presence of a curule functionary. Not thus was the Ædile to be abashed. He sent at once for his curule chair, in which he remained seated at the door until all the Patricians had risen and left the chamber.[19]

All this goes to prove the complete separation of Flavius and his party from their former patrons. The historian says that he was supported by the faction of the Forum, that is, by the lower Plebeians.[20] Yet their votes could never have availed the freedman's son but for the additional suffrages of the middle, if not the upper classes of Plebeians. In part, at least, the Plebeians must have become reunited.

The higher class, however, veered towards the extreme Patricians. We do not refer to that portion of the Plebeians who had long been the parasites of their superiors. Such they continued. But there were leaders of the genuine Plebeians whom it could not please to see men like Flavius, the freedman's son, and Anicius the alien, in one of the most venerable of the Plebeian offices. Such men were

[19] Liv., IX. 46. Aul. Gell., VI. 9.

[20] "Flavium dixerat ædilem forensis factio." Liv., IX. 46. See Diod. Sic., XX. 36.

not altogether acceptable as associates, much less as magistrates. Accordingly, the divisions between the higher Plebeians and their inferiors went unrepaired.[21]

It was then that Cneius Flavius seems to have proved his wisdom. Instead of shouting defiance to the malecontent Plebeians, he did his utmost to satisfy them respecting his position and that of his adherents. "If I can but reconcile these opposing classes," he is reported to have vowed, "I will build a temple to Concord."[22]

Partly, as we shall do right to believe, in consequence of Flavius's exertions, the candidates of the higher Plebeians were elected to the censorship. Fabius Rullianus and Decius Mus, the two great generals, entered upon their duties as Censors with the resolution of raising their party from the depression into which it had fallen. Action was taken in favor of the Knights, who, greatly increased in private resources, had nevertheless attained to but comparatively little influence in public affairs. On the other hand, the freedmen, who had been unduly elevated by Appius Claudius, were confined to the four city Tribes.[23]

To these measures Flavius offered no opposition. He was more content that his superiors should recover their preponderance, than they had been with his temporary elevation above them. To fulfil his

[21] "Ex eo tempore in duas partes discessit civitas. Aliud integer populus fautor et cultor bonorum, aliud forensis factio tenebat." Liv., IX. 46.

[22] "Flavius vovit ædem Concordiæ, si populo reconciliaset ordines." Plin., Nat. Hist., XXXIII. 6. It will be seen that the interpretation in the text is conjectural.

[23] A. C. 302. Liv., IX. 46. De Vir. Ill., XXXII.

vow, he began upon the temple to the goddess Concord.

But there was little concord amongst the classes for whose reconciliation he had done and endured all things possible. No money could be procured by Flavius from the public treasury for the erection of his temple. He was obliged to employ the fines received from the usurers prosecuted by him as Curule Ædile.[24] When the sanctuary was completed its dedication became the occasion of fresh resentments. The High Pontiff, Cornelius Scipio, one of the extreme Patricians, refused to preside at the ceremony. "None but a Consul, or an Imperator," he pronounced, "can dedicate a temple!" But the Plebeians, at last united, compelled the Pontiff to officiate for their Ædile. As if determined that the goddess Concord should be more truly served, they assented to a decree of the Senate forbidding any individual to dedicate a temple on his own authority.[25]

The time of Flavius is marked with traces of higher powers amongst the Romans. Appius Claudius himself was not wholly absorbed in political intrigues. A large portion of his ambition was expended upon the Way and the Aqueduct that have borne his name to our own day. He was not only a jurist, as has been mentioned, but a philosopher and a poet.[26] So various, indeed, were his accomplishments and his projects, that he was called "the

[24] Plin., Nat. Hist., XXXIII. 6.
[25] Liv., IX. 46.
[26] Cicero calls his poem a "carmen Pythagoreum." Tuscul. Quæst., IV. 2. Pythagoras had his statue in the Forum, as the wisest of the Greeks. Plin., Nat. Hist., XXXIV. 12.

Hundred-handed."[27] Nor did he stand alone amongst the upper classes in cultivating his intellectual abilities. A picture painted by Fabius, hence called Pictor, bears testimony to the effort that was directed to other ends than those of the common citizen or the common warrior.[28] What the culture of the lower classes was appears from the attainments of Flavius, the freedman's son.

[27] "Hic centemmanus appellatus est." Digest., lib. I. tit. II., II. 36.

[28] Plin., Nat. Hist., XXXV. 7. Painting, however, and sculpture likewise, were known long before Fabius's time. As for music, see the story of the pipers, Liv., IX. 30. Stage-plays, *ludi scenici*, had been introduced to appease the gods during the pestilence of A. C. 364. Liv., VII. 2. See p. 349 of this volume.

CHAPTER XIV.

THE ROMAN RELIGION.

"Arrancar la soberanía del cielo y localizarla en la tierra."

DONOSO CORTÉS, *Derecho Político*, Lecc. II.

THE conduct of the Pontiff Scipio towards Cneius Flavius rankled in the breasts of the Plebeians. It was but a short time afterwards that Quintus and Cneius Ogulnius, both Tribunes, framed a bill opening the pontificate to their order.

In making this proposal, the Ogulnii were carrying on the enterprise which Flavius had begun. The rupture effected by him between the lower Plebeians and their Patrician lords was already in process of being repaired. The awe inspired by the latter, as members of the priesthood, had been of late undisturbed.[1] Favors and largesses were to be had in abundance from the higher Plebeians. But the Patricians, clad in priestly attire and towering through the vapors of religious sacrifices, exacted homages that could be claimed by few, if any

[1] "E vedesi, chi considera bene le istorie romane, quanto serviva la religione a comandare agli eserciti, a ruinare la plebe." Machiavelli, Disc. Tit. Liv., lib. I. cap. 11.

Plebeians.[2] The efforts of Quintus and Cneius Ogulnius to separate the Patricians from their Plebeian dependants led to the assertion of the claims on the part of the higher Plebeians to the priesthood.[3] The bill, increasing the number of Pontiffs by four, and that of Augurs by five additional incumbents, all eligible from the Plebeians, became a law.[4]

The mention of the Ogulnian law introduces a new point of inquiry. Or rather it revives one that has already made its appearance on our pages.

Many passages in the preceding narratives relate to the Roman religion. But we have not yet had an opportunity to inquire into its spirit and its influence. Whence did it obtain its power? And to what purpose was its power employed? No graver questions have been proposed in this history.

Like the elder religions of antiquity, the Roman religion was a human creation. The traces of the Divine law were few and far between. At Rome, as throughout the ancient world, men would occasionally stumble upon impressions superior to those amidst which they usually groped their way. Indistinct as were the perceptions of a higher truth, they were imperishable. For they alone upheld the in-

[2] A singular example of the religious respect for the Patricians occurs in the acquittal of Atilius Calatinus from a charge of treachery, simply because his father-in-law, Fabius Rullianus, declared that he did not believe the accused to be guilty. Val. Max., VIII. 1. 9.

[3] "Certamen injectum inter primores civitatis, patricios plebeiosque, ab tribunis plebis Q. et Cn. Ogulniis. Qui, undique criminandorum Patrum apud plebem occasionibus quæsitis, postquam alia frustra tentata erant, eam actionem suscepe-runt." Liv., x. 6.

[4] A. C. 300. Liv., x. 7–9.

frequent hopes with which the most anxious lived through the present or looked towards the future.[5]

None, however, could interpret the Divine law. When any attempted it, they were instantly involved in the laws professedly Divine. These were the early laws not only of the Roman priests, but of the Roman warriors. As in Greece, so at Rome, the standard by which men lived was formed from political rather than from moral laws. But this did not prevent the warriors or the citizens of Rome from promulgating their enactments as of more than human wisdom, of more, therefore, than human authority. Of those obliged to creep amongst these laws, there were few to understand the fragments of the law alone Divine.[6]

As citizens and as warriors, the later generations were improving upon the earlier at Rome. But as worshippers, as the servants of higher powers than ruled upon the earth, the earlier generations bore away the palm. It seems to have been agreed amongst their successors that it was better to live and die as members of a state continually expanding, than as votaries of a religion continually shrinking in dominion. On the other hand, the religion itself appeared to perceive no means of retaining

[5] "Men that, if now alive, would sit content
And humble learners of a Saviour's worth." COWPER.

[6] "Longum est enim singulorum sententias exsequi: qui licet diversis nominibus sint abusi, ad unam tamen potestatem, quæ mundum regeret, concurrerunt. Sed tamen summum Deum quum et philosophi et poetæ et ipsi denique qui deos colunt, sæpe fateantur; de cultu tamen et honoribus ejus nemo unquam requisivit, nemo disseruit ea scilicet persuasione." Lactant., De Ira Dei, 11. See the Epistle to the Romans, 1. 21.

any portion of its sway but by dependence upon the state. Whatever laws had been framed as moral were transferred amongst the political statutes. Whatever responsibilities had been imposed as moral were exacted amongst the political duties. The dependence of the religious system upon the political, begun with the Greeks, became complete with the Romans.[7]

Thenceforth the state was the theologian. It would not change the names of the gods whom the Latins, the Sabines, or the Etruscans had brought with them in the days of old. Neither would it shut out the deities who had come from afar, like Saturn,[8] to seek refuge with the Italian immortals. But it was for the state to define the nature of these divinities, and to appoint the ceremonies by which they should be honored. Such as were ordained the deities of the individual, the Penates and the Lares of his household, were proclaimed by the same authority.[9] For all the experiences of mortality, for its gains and its losses, for its disgraces and its glories, there was some appointed act of adoration or of expiation. "To keep up these rites," was the assurance of the later Roman, "is to preserve the religion that was delivered to us from the gods themselves. . . . . But let no one," he averred, "have deities to himself. Nor let any one worship

[7] Montesquieu refers to Tatius and Numa, who, he says, "asservirent les dieux à la politique." Diss. sur la Politique des Romains dans la Religion.

[8] He came to Janus. Æneid, VIII. 319 *et seq.*

[9] There were public Lares. Plin., Nat. Hist., XXI. 8. And public Penates. Liv., XLV. 16.

new gods unless adopted by the state."[10] There could be no other theologian.

The state was also the divinity. The personification of Rome as a goddess enshrined in a magnificent temple was no empty form. Once it was the order that had reigned paramount. Now that there were different orders, increasing and coalescing, it was the state. Reverence for this was the deepest that the Roman could feel. It surpassed all that he felt for the unseen divinity of his heavens.[11]

The majesty assumed by the state was jealously vindicated. About half a century before the tribunate of Licinius Stolo, there occurred a year of great distress. An excessive heat parched the plains and dried up the streams. Soon a fearful disease, seizing at first upon cattle, then upon herdsmen, spread wide throughout the country and the city. In the extremity of suffering and terror to which the poorer classes especially were reduced, they turned with new sacrifices to seek new deities. But the chief men of the city, as the historian calls the authorities of the state, were angered by the unusual proceedings observed around them. Straightway, therefore, were the Ædiles charged to see that none but the gods of Rome were worshipped, none but the rites of Rome employed.[12] It was not the capricious craving of an individual that received so de-

[10] Cic., De Legg., II. 8, 11.

[11] "L' utile o il danno
Ch' ei conoscer dee solo è ciò che giova
O nuoce alla sua patria, a cui di tutto
È debitor."
METASTASIO, *Regolo*, Att. II. sc. 1.

[12] "Ne qui, nisi Romani dii, neu quo alio more quam patrio, colerentur." Liv., IV. 30. Compare Id., XXV. 1, XXXIX. 16.

cided a rebuke. A stricken people had sought new divinities because they thought themselves abandoned by their old ones. They had adopted new ceremonies, because their old ones seemed to have failed. But the state was equally ready to subdue the people as to subdue the individual whose allegiance to itself or to its deities wavered.

The position of the priesthood is evident. The state was the theologian. The priests were its disciples. The state was the deity. The priests were its ministers, its worshippers. The names and the numbers of the sacerdotal body might still be impressive.[13] The lower classes might still stand in awe of the solemn forms that gathered about the altar or the tribunal. But the ruling classes had no such fear. Hence the inferior, seeing his superior independent of the priest, would gradually take courage for himself. In time, he would learn the fact that the priesthood was but a subordinate office in the Commonwealth.

One solitary shoot there was of the religious system which grew and spread when all other shoots had been grafted upon the political system. This was the superstition accepted early and tended late amongst the Romans. "Wherever thou turnest," was the confession of the later Roman, "this superstition pursues thee. Whether thou listenest to a soothsayer or to an omen, whether thou offer-

[13] "En ajoutant aux collèges supérieurs et secondaires les Flamines, les Saliens, les Vestales, etc., vous trouveriez, dans les derniers siècles de la république, plus de deux cents personnes préposées dans Rome au culte public; mais sous les rois, il en faut bien retrancher un tiers." Daunou, Études Historiques, tom. XIII. p. 434.

est a sacrifice or observest an augury, whatever happens, it is the same. Thou canst never be of quiet mind."[14] Nothing could be truer. The merest accident was regarded as the most solemn law. Every trivial pretext for reference to the deity or to the priest was embraced. If a man remembered a dream, he sought an explanation of it from an Haruspex. A woman desirous of conceiving would stand where she could be struck by the thongs with which the priests of the Lupercalia ran naked through the streets. The locks of the boy entering upon early manhood were gravely dedicated to Apollo. When all else that was religious had become political, the superstition of the pristine ages still held its own.

Now to estimate the influence of the Roman religion upon its votaries. What did it do for them singly and collectively?

How it threw its weight against the individual may be gathered from the preceding statements. Was there any weight which it could throw in his behalf? That depended altogether upon his own character. If he was of a disposition easily aroused to a sense of duty or as easily relieved from it, he found help from his religion. As it bade, so could he go to war, so could he live in peace, contented with obedience to injunctions that could be

[14] "Instat enim et urget et quo te cumque verteris persequitur; sive tu vatem, sive tu omen audieris; sive immolaris, sive avem adspexeris; si Chaldæum, si aruspicem videris; si fulserit, si tonuerit, si tactum aliquid erit de cœlo; si ostenti simile natum factumve quippiam; quorum necesse est plerumque aliquid eveniat: ut numquam liceat quieta mente consistere." And so on. De Divin., II. 72.

thus fulfilled. Was he of a conscientiousness less simply satisfied, he could obtain little satisfaction from his religion. Was he of a conscientiousness less readily aroused, he could derive little incitement from his religion. No indifference, on the one hand, no restlessness, on the other, was within the control of a faith that had abdicated its power for the sake of its existence.

Such a faith could bring no increase to the powers of individuals. Spiritual powers, of course, it could not even preserve. Intellectual powers it could not quicken, could not, save in a limited degree, employ. It directed its votary to labor with all his mind as well as with all his might in the public service. But that his mind comprehended higher abilities than those demanded by the offices and services of the state was not suggested by his religion. It enjoined the exercise of all the common powers. But the powers then uncommon were beyond its province. It did not know them. It could not animate them.

There could be no increase, therefore, to the rights of individuals. It is from the powers which one exerts, as has been remarked, that his rights are derived.

Neither did the religion of the Romans invest them with the possession of liberty on any larger scale. It has been stated how liberty as a possession depends upon the laws under which men live. The religion bowed down to the laws of Rome. It could not enlarge them. It could not extend the limits of any possession under them.

The strong and the weak were left exactly where they were found by the Roman religion. If it pleased the parent, the child might be exposed to death[15] or bondage. If it pleased the master, the slave might be beaten down and murdered. No other check besides the duty owed to the state was put upon the indulgence of passion. No other bound was set upon the endurance of oppression. So that the state was uninjured by the degradation or the assassination of the subject classes, they might be treated as their rulers willed. Language and conduct, more suited to a horde of barbarians than to a nation exulting in the name of freemen, continued to prevail at Rome.[16] The weak had no defences, the poor had no resources of their own. What they appeared to have were those of the state which protected them as its servants. What they might have had as the servants of a superior power never glimmered through their religion.[17]

The one consequence, more fatal than any other from this religion, was the absence of self-government amongst the Romans. They learned to be governed, the feeble by the powerful, and the powerful by the laws and the authorities of their state. In learning this, all classes learned to be oppressed rather than to be governed. Allowing

[15] On the practice of infanticide, see Appendix A. to Cantu, Hist. Universelle, tom. VII.

[16] "It would better suit
A fierce despotic chief of barbarous slaves,
Than the calm dignity of one who sits
In the grave Senate of a free Republic,
To talk so high."
THOMSON'S *Coriolanus*.

[17] "Nec . . . .
Leges sinebant . . . . deorum
Templa novo decorare saxo."
HORAT., Carm., II. 15.

them to be governed, they were taught to depend upon being governed rather than upon governing themselves. "Why govern myself?" the Roman was trained to inquire. "Or how can I do so? Does not the state exercise all the restraint that I can bear? Does not religion teach me submission?" The oftener such questions were asked, the more despairingly must they have been answered. Yet without enjoining self-government, where was ever a true religion? Without admitting it, where was ever a true liberty?

The influence of the religion upon the nation was such as might be expected from its influence upon individuals.

It made no change in the national institutions. This has been observed. And the reason has been observed. Religion, in order to preserve itself, accepted a subordinate place in the Roman institutions. It was from that time bound to preserve them as they were.

Thus did it likewise tend to confirm the national destinies. All the elements of the national character were directed with the same views to the same ends that had long existed. Every stranger had been declared a foe. Every race to which the stranger might belong had been regarded as the natural enemy of the Roman nation. All this the religion of the Romans ratified. It taught them that the hostilities which they pursued on earth were not only approved but imitated in their heaven. "Fight on!" was its injunction. "So will ye please the immortals, themselves contending for

you! So will ye serve the state that worships them as it is worshipped by you!" [18]

When the second war with the Samnites was on the point of breaking out, an embassy was sent into Samnium. The aggressions of the Romans had led to the rupture which their envoys were now charged to make a show of deprecating. After some negotiations equally insincere and vain, the herald accompanying the ambassadors lifted his hands towards heaven, and prayed that, if Rome had been faithless, the gods would now abandon her to her enemies.[19] It is vain to say that this was a mere form to which none who heard the herald would attach any overdue consideration. He stood there before both Romans and Samnites as the representative of the religion which encouraged oppression even as it encouraged warfare. Combat where they would, oppress as they would, the Romans were acting under the banners of their religion.

So was centralization sanctified. Without the Roman realms, it could spread from tribe to tribe, from land to land. Within them, it could claim all that the Roman himself possessed, his arm, his mind, his very conscience, as the dominion of the state. No other nation lived by laws more entirely accordant with those of the ancient centralization.

The Roman religion was endowed with no tri-

[18] "Les religions étaient puissantes non par ce qu'elles p uvaient avoir de philosophique et de l'absolu, mais au contraire, par ce qu'elles avaient de local, de national, de relatif." Champagny, Les Césars, tom. III. p. 236.

[19] Dion. Hal., Excerpt., XV. 14.

fling part in the course of antiquity. It was to bring heathenism to its end that the Eternal God had allowed a religion to be formed, more entirely than any other, of merely human laws. As they stood, so did it stand, as they fell, so did it fall, crumbling before the very breath of the approaching truth.[20]

[20] "Tant que la cité fleurit dans le monde Grec ou dans le monde Romain, elle couvre de son patronage la faiblesse des institutions religieuses." Vacherot, École d'Alexandrie, tom. II. p. 75.

CHAPTER XV.

THE POPULAR PARTY.

"They disdained a coöperation with the lower orders, ... and relied too unhesitatingly on their power as a body."

PRESCOTT, *Ferdinand and Isabella*, Introd., Sect. I.

EVERY line of inquiry hitherto followed has terminated in the same conclusions respecting the character of Roman liberty. From each starting point we have found our way to the common ground whereon the Romans are seen to be such freemen only as exist under the system of centralization.

It remains to be proved how large a number shared in the fruits of this system. To determine this, is to determine the extent of Roman liberty.

All that this volume contains goes to show how much more widely the freedom of Rome extended than that of antiquity in general. From the day when the vanquished were admitted to the name and to the home of their victors, down to the year when the Ogulnian law concerning the pontificate rendered the Patricians and the Plebeians virtually equal, the contrast presented to the course of other ancient nations has always been remarkable. Is the process to continue? Are the inferior Plebeians

to mount up like the superior men of their order? Are the aliens and the slaves beneath the Plebeians to rise in their turn?

It is clear that the lower classes are in need of being elevated. Instances occur of prosecution for transgression of the limits by which Licinius Stolo intended to obstruct the grasping spirit of the wealthy with respect to the public lands.[1] Mention is made of the trial and condemnation of certain usurers.[2] The substitution of the Capital Triumvirs, as they were called, with greatly extended powers,[3] in place of the Quæstors of Parricide, more plainly betokens the increase of troubles. Pestilence breaks out again; and an embassy is sent to Epidaurus to implore the aid of Æsculapius.[4] New measures and old were thus mingled to meet the wants of the orders not yet able to provide for themselves. But what they needed most was the ability to defend their own interests.

By whom was this to be aided on? The Patrician party, that is, the prouder portion of the order with many proud Plebeians for their parasites, had inspired some of the inferior classes with hopes of higher benefits than largesses. Such hopes had never been fulfilled. Yet by far the greater num-

[1] Liv., x. 13, 23, 47.

[2] Id., x. 23. The prosecution was conducted by the Ogulnii, the same who had been Tribunes, and were now Curule Ædiles.

[3] Besides the management of capital trials and the execution of capital sentences, which had been in charge of the Quæstors, the Triumvirs were empowered to collect the fines for public offences, and to preserve the public peace. The date of their institution was probably somewhere between A. C. 295 and 290. Liv., Epit. xi.

[4] Val. Max., i. 8. 2. Liv., x. 31, 47, Epitome xi. The embassy was headed by Quintus Ogulnius.

ber of the lower Plebeians with the still lower orders beneath them were hanging to the trains of the extreme Patricians.

Some had placed their trust in the moderate Patricians or rather in the Plebeians with whom these were allied. It was a trust not always baffled like that reposed in the extreme Patricians. But it was far from having been even frequently rewarded.

Yet this party of Plebeians, with their Patrician allies, was that on which it now more evidently depended to extend the liberty of the Commonwealth. Composed, as it has been described, chiefly of Plebeians, and those the more independent of their order, the party bade fair to achieve the progress that had become desirable. In this light it may be called the popular party.

Nor was its name belied. In the same year with the Ogulnian law, Marcus Valerius, perhaps the Valerius Corvus of earlier renown,[5] and, if so, now in his fifth consulship, brought up the laws concerning appeal to be reënacted. "I imagine," says the historian, "that the motive for reiterating this privilege was no other than the preponderance of a few over the liberty of the many."[6] It suited the name of Valerius Corvus, whose ancestor had given the title to the Valerian laws, to propose their confirmation at this time. It suited his character also, thus to assure the lower classes of protection under the

[5] But, perhaps, a certain Marcus Valerius Maximus.

[6] Liv., x. 9. It was the second time that the privilege had been confirmed. Id., ix. 9, iii. 55. It had also been introduced into the Twelve Tables.

same laws which had protected their superiors. No less did the reënactment of the laws agree with the character and the name of the popular party amongst whose most honored leaders was Valerius Corvus.[7]

A similar policy is indicated in the enrolment of two new Tribes in the following year.[8] As the inferior at home had been heeded in the law of appeal, so was the inferior abroad regarded in the constitution of the Tribes. At the same time it must be remembered that the Italians thus admitted as citizens were of different stamp from the lower classes of the Romans. Some were renowned. Many were prosperous. Such men would prove allies to the Patrician as well as to the popular party, but to any party rather than to the poor, the alien, and the slave at Rome.

The very year in which the new Tribes were admitted, the wars that had for an instant lulled broke out again in Etruria[9] with their former fury. Soon spreading into Samnium,[10] then into Umbria,[11] they roused even the Sabines[12] from the peace that had been long preserved. To understand the popular party, its leaders and its opponents, we must seek out the heroes of these violent contentions.

Three years after the renewal of hostilities,[13] Lucius Volumnius, a Plebeian of great distinction, was elected Consul with Appius Claudius, the former

[7] He was again Consul in the next year (Liv., x. 11), after which he appears no more in active service, though he lived to enjoy a glorious old age.

[8] A. C. 299. Liv., x. 9.

[9] Liv., x. 10.

[10] A. C. 298. Id., ib. 12.

[11] A. C. 296. Id., ib. 18.

[12] A. C. 290. Id., Epit. xi.

[13] A. C. 296. Id., x. 16

Censor; both having held the consulate together ten years before. An expedition into Etruria fell to the charge of Appius, while Volumnius was intrusted with one against the Samnites. He began his operations with great brilliancy.[14] Appius, on the other hand, losing ground, brought his army into a miserable plight of uncertainty and ill-will. The worst results were foreboded, when Volumnius suddenly appeared with a large force before the camp of his colleague, by whom, he said, he had been hastily summoned. Of this there could be no doubt. But Appius, as if to escape the imputation of alarm or mismanagement, denied that he had sent for Volumnius, and so slighted him in return for his friendliness or his activity, that Volumnius was on the point of returning to Samnium. The soldiers united in beseeching him to remain until a nearly impending engagement should be fought and won. Most men, most Romans, would have left a colleague like Appius to his fate. But Volumnius stayed to lead the charge in the battle, which, thanks to him, became a victory. He then marched back to his province.

At the proper season, he repaired to Rome in order to hold the elections for the ensuing year. His welcome at home had been prepared by the story of his moderation and his bravery in the field. It was quickened by the wisdom and the liberality which he now displayed. Before calling the Centurias, he addressed the people upon the magnitude

[14] Liv., x. 18.

of the wars in which they were involved, showing the necessity of choosing the best generals to the consulship. "I should have named a Dictator," he said, "but for my confidence that ye would elect proper Consuls."[15]

Fabius Rullianus, whom all understood to be the intended Dictator, and whom Volumnius very likely designated by gesture, if not by name, was speedily chosen by the votes of the Centurias. Volumnius himself was next returned.[16] Fabius, now far advanced in years, desired to be excused from service. This being refused, he declared his inability to do any good, unless Decius Mus, his former associate,[17] who was familiar with his ways, and of whose capacities he was confident, should be given him for a colleague, instead of the one already elected. Far from being angered at the slight, Volumnius seconded the proposal of Fabius with so much zeal, that Decius was appointed in his place. The grateful Centurias declared him Proconsul for the year. It would have been well, for the sake of Rome merely, had such a consulship as that of Volumnius been extended for centuries.

The next scene to be rescued from the wars was the exact counterpart of another already witnessed. Fabius and Decius, the Consuls whom Lucius Volumnius may be said to have elected, took the field against the enemies collected in the north. There, at Sentinum, the forces of the Samnites, joined by

[15] Liv., x. 21.

[16] Id., ib. 22.

[17] They had thrice been colleagues; once in the censorship and twice in the consulship. Fabius had been four times, and Decius three times, Consul.

some Gauls whom their pay[18] had induced to take up arms, shortly came to an encounter with the Romans. The soldiers under the command of Fabius fought vigorously and successfully. But those of Decius, almost before engaging, gave way. He, however, remembering his father's example and excited by various preceding omens, devoted himself to death, together with the hostile army into the midst of which he plunged to die. Victory followed; and the name of Decius the son was added to that of Decius the father amongst the sacrifices of Rome.

The great Fabius Rullianus had a son, Fabius Gurges, who was elected to the consulship a year or two after the death of Decius.[19] On taking the field against the Samnites, the new Consul proved so unsuccessful that it was proposed in the Senate to remove him from his command. The proposal would probably have been carried but for the elder Fabius, who entreated the Senate to spare him the shame of his son's disgrace. "To him," he declared, "aged as I am, I will hasten as a simple lieutenant, if I be allowed, and help him to retrieve his doubted honor."[20] The old man accordingly joined the army. His counsels awakened his son's energies. An action altogether favorable to the Roman arms was followed by a triumph which no spectator could behold unmoved. Close behind the chariot of the Consul, ascending towards the Capitol, rode his lieutenants, as was the wont. But among them, as was never the wont, was the father, following his son

[18] Liv., x. 21, 28.
[19] For the year A. C. 292. Liv., x. 47.
[20] Id., Epit. xi. Dion. Cass., Fragm., xxxvi.

with the same affectionate spirit that he had shown in his excuse before the Senate and in his service on the field.[21] The nearness of extremes, however, was never more apparent that on that day of general rejoicing, when Caius Pontius, the heroic Samnite general, was slain in prison, as the thank-offering of Fabius Gurges to his father and his applauding countrymen.[22]

Such as the Fabii, the Decii, and Volumnius were the leaders of the popular party. Such as Appius Claudius were its opponents. Another opponent appears in Postumius Megellus, of the highest rank amongst the Patricians.

He is first mentioned as a Curule Ædile,[23] distinguishing himself by prosecuting many of the numerous offenders against the laws concerning public lands and usury. He afterwards appears as the object, himself, of a prosecution conducted by a certain Tribune. Escaping trial by being appointed lieutenant to one of the Consuls then taking the field,[24] Postumius so far repaired the enmities of the magistrate and the citizen by the exploits of the warrior, that at three different elections he was returned Consul.[25]

[21] "Triumphantis currum equo insidens sequi, quem ipse parvulum triumphis suis gestaverat, in maxima voluptate posuit." Val. Max., v. 7. 1. The death of Fabius, the father, occurred not long after this time; and every man in Rome is said to have brought contributions to the expenses of the funeral. De Vir. Illust., XXXII. "The old Fabius," says Arnold, with his usual spirit, "was the Talbot of the fifth century of Rome; and his personal prowess, even in his old age, was no less celebrated than his skill as a general." Hist. Rome, vol. II. p. 363.

[22] Liv., Epit. XI.

[23] It is uncertain whether this office was, or was not, the first of those which Postumius is mentioned as having filled. The prosecutions are recorded in Liv., X. 33.

[24] Id., X. 46.

[25] A. C. 304, 294, 291. Id., IX. 44, X. 32. Dion. Hal., Exc., XVI. 15.

On his third election, Postumius somewhat strangely claimed the charge of the campaign against the Samnites, already virtually subdued. As there was no particular necessity of hurrying his operations, he turned aside from his march to visit some newly-conquered lands of which he had got possession. The secret of his choosing the campaign in Samnium soon came out. Hero as he was, Postumius was also a speculator, to whom gains were as desirable as any laurels. Finding that his new estate needed a great deal of labor to be made productive, he set two thousand of his soldiers upon clearing the woods and preparing the lands for cultivation.[26] At his own time, he led his men forward to Cominium, a town in the centre of the enemy's country, which Fabius Gurges, the Consul of the preceding year, was then besieging, as Proconsul. To him Postumius sent forward, bidding him resign his command. But Fabius appealed to the Senate, who straightway despatched some of their own members to prevent Postumius from doing so great an affront to themselves as well as to the Proconsul of their appointment. Postumius replied to the Senators who sought him, that they were not to govern him, but that he was to govern them.[27] On his arrival at Cominium, he instantly dismissed Fabius from the siege.

The town soon surrendered, and other places besides were speedily reduced to submission by the skill and gallantry always displayed by Postu-

[26] Dion. Hal., Exc., XVI. 15.

[27] Οὐ *τὴν βουλὴν ἄρχειν ἑαυτοῦ, φήσας, ἕως ἐστὶν ὕπατος, ἀλλ' αὐτὸν τῆς βουλῆς.* Dion. Hal., Exc., XVI. 16.

mius in his military achievements. At his proposal, a colony was sent to one of the captured cities. But he counted in vain upon the advantageous, perhaps in his case the lucrative office of commissioner to the new settlement. Finding that others were appointed in his stead, he turned over all the public booty to his soldiers, whom he then disbanded without waiting the arrival of his successor. There were few to declare themselves in his favor when he returned to Rome. Appealing to the people for the right to triumph denied him by the Senate, he carried his point only by taking it upon himself to triumph without the consent either of the Senate or of the people.[28] On being accused of illegal conduct by two of the Tribunes, there was not a Tribe but voted for his condemnation. He was then obliged to submit to the shame and, as it was to him, the misery of an enormous fine.

The foremost member of the popular party at this time was Curius Dentatus, by birth a Latin. As Tribune, he had baffled the design of Appius Claudius to prevent the choice of any Plebeian candidate at the consular elections over which the Patrician was presiding as Interrex.[29] As Consul, Curius evinced the same determination.[30] His victories over the Samnites and the Sabines were as decided as they were relentless.[31] But towards his

[28] Livy (x. 37) relates these doings about the triumph in connection with the second consulship of Postumius; but the account of Dionysius (Exc., xvi. 18) is here followed, on account of its greater consistency.

[29] Cic., Brut., 14. "Quod fuit permagnum," adds Cicero.

[30] In the year A. C. 290. Liv., Epit., xi. De Vir. Illust., xxxiii. See Cic., Pro Murena, 8.

[31] His account of his campaign against the Sabines is that of a bar-

countrymen at Rome Curius showed a milder aspect in effecting a distribution of the public lands for the relief of the needier classes. A first assignment of seven jugers was followed by a second of the same extent and to the same individuals.[32] Both together proving insufficient to relieve a large number from their embarrassments, Curius appears to have joined some Tribunes in proposing a law by which the abolition of all existing debts was again declared.[33] To such propositions, there were sure to be more opponents than supporters. But the curtain is drawn over the incidents which followed. A single glimpse caught of Curius Dentatus in the midst of a body-guard[34] does not assure us of his wisdom in promoting the cause which he was unusually wise to have even started. His liberality, however, is beyond question. Offered a large share in the public domain, as the merited reward of his services, Curius refused to take more than the rest of his countrymen had received.[35]

barian: — "Tantum agri cepi, ut solitudo futura fuerit, nisi tantum hominum cepissem; tantum porro hominum cepi, ut fame perituri fuissent, nisi tantum agri cepissem." De Vir. Illust., XXXIII. Words which I would not quote except to open another view of the destruction which it was the work of the Romans to accomplish.

[32] "Quaterna dena agri jugera viritim populo divisit." De Vir. Illust., XXXIII. It is reasonable to suppose that there were two allotments made rather than one, because the number of seven jugers was commonly taken as the limit of a single assignment; but there is no ground for separating the two assignments from each other by any considerable interval of time. See, however, note 22 to ch. XXXIV. of Arnold's History. The first consulship of Curius Dentatus was in A. C. 290; and it is in that or the subsequent year that I suppose him to have begun and ended his exertions in favor of the lower citizens.

[33] Zonaras, VIII. 3.

[34] Appian., De Reb. Samnit., v. Fragm.

[35] Compare Val. Max., IV. 3. 5, with Plin., Nat. Hist., XVIII. 4. The story of the answer to the Sabine ambassadors testifies to the same frugality. Plin., Nat. Hist., XIX. 26. De Vir. Illust., XXXIII.

The moment Curius disappears,[36] the questions of relief to the lower classes, and of union between them and the higher, sink into the background. Four years afterwards,[37] there occurred a general outburst of the difficulties which all the wiser men of the popular party had successively striven to repress. Debt was the mainspring of the insurrection in which the lower classes, disappointed in their hopes of relief from their superiors, seem to have seceded to the Janiculan hill.[38] There, perhaps, they would have remained unheeded, but for the approach of a hostile army, whose ravages may have made it necessary for the upper classes to conciliate the insurgents.[39] It looks as though the popular party made the first advances. Indeed, it is not certain but that a portion of the party had gone out with the seceders to the Janiculan. At all events the popular leaders stand out in the final movements of the insurrection.

One of their chiefs, Quintius Hortensius, is raised to the dictatorship.[40] At his call the people come together to pass a law investing the decrees of the Tribes with plenary independence. This goes, of course, against the Senate, hitherto accepting or rejecting the legislative proceedings of the Tribes.[41]

[36] He is again mentioned as directing the canal from the lake of Velinus, through which the water still dashes down to Terni, and likewise as superintending the construction of an aqueduct for Rome.

[37] A. C. 286.

[38] "Plebs propter æs alienum, post graves et longas seditiones, ad ultimum secessit in Janiculum." Liv., Epit. XI. See Plin., Nat. Hist., XVI. 15, in next note but two.

[39] Zonaras, VIII. 2.

[40] His name is mentioned by Livy, Pliny, and in the Fasti; his repute is proved by his appointment at such a time.

[41] "Q. Hortensius, quum plebes secessisset in Janiculum, legem in Esculeto [the Oak-Grove] tulit, ut

Then Hortensius dies.[42] It may have been his successor, it may have been a Tribune of the Plebeians, Mænius by name, who procured the passage of a bill directed against the Curias. To that ancient assembly little of a political character remained besides the right to sanction or to annul the elections made in the Centurias to the higher magistracies. This right appears to have been abrogated by the Mænian law.[43] A change in the organization of the Centurias, apparently rendering that body more popular, may have taken place at the same time.[44]

With all its laws, Mænian and Hortensian, the popular party could not have been completely satisfied. Disguise it as they would, many must have felt a sensitiveness to the personal superiority still asserted by their antagonists. But a few years before the secession to the Janiculan, a time had been set apart by the Senate for solemn devotions in consequence of many strange presages that had been observed and feared. In the season of supplication, the wife of Lucius Volumnius, by name Virginia, a woman of Patrician birth, came to the temple of Patrician Chastity, to offer up her vows. The Patrician ladies gathered at the shrine denied her the right to worship there, because, said they,

quod ea jussisset, omnes Quirites teneret." Plin., Nat. Hist., XVI. 15. "Pro legibus placuit et ea [plebiscita] observari lege Hortensia." Digest., lib. I. tit. II. 8. See also Gaii Instit., I. 3, and Aul. Gell., XV. 27. There was another law, or another clause of the same law, to make the market-days business-days for the whole people. See Arnold's History, vol. II. p. 384, and the reference there to Macrobius.

[42] Liv., Epit. XI.

[43] Cic., Brut., 14; Pro Plancio, 3. Liv., I. 17.

[44] See the honest discussion of the whole question in the second Appendix to Arnold's second volume.

she was married to a Plebeian. The historian, alluding to the quickness of resentment which he declares to be peculiar to women, proceeds to confess the loftiness of Virginia's demeanor. "I thought," she exclaimed, "I had as good a right here as any. But if it be on my husband's account that I am thus affronted, I say I am neither ashamed of him, nor of his exploits, nor of his honors." She then withdrew, and, for her sole revenge, set up an altar in her house to Plebeian Chastity, to whose worship she invited her Plebeian countrywomen.[45] If a Patrician wife of a Plebeian could be so excluded from a temple, the Plebeians must have found it still difficult to reach the privileges to which they aspired.

Where, meanwhile, were the lower classes who had seceded to the Janiculan? How were the debtors saved from bondage, the starving from death? There is no answer to be found in the ancient histories. Yet it was the popular party, the party of Curius Dentatus and of Valerius Corvus, that had so far triumphed. Did they do nothing for the inferior Plebeians, nothing for the still inferior aliens and slaves? Again there is no answer in the ancient histories.

The popular party spent its liberality in contests with its superiors. It had little besides illiberality to show towards its inferiors. Instead of encouraging continual growth in freedom amongst the lower orders, it seems as if the popular party

[45] Liv., x. 23.

had stood like full-grown trees that divert the sunshine from the lowlier plants incapable, indeed, of pushing up their branches all at once, but designed to lift their breathing leaves nearer and nearer to the air and height of the older foliage.[46]

This settled the question as to the extent of Roman liberty. It was to remain in a few hands. Its freemen were they who had risen. They who had yet to rise were but bondmen. Such they would remain.

The mind reverts to the city as it stood upon its seven hills. The temple, with its company of columns holds the foremost place. Beneath, the square, decked with monuments and trophies, lies open for the assemblies of the nation. On the right and on the left, scaling every hill and covering nearly every level space, are the dwellings, the gardens, the fields, and the woods of the richer citizens. To find the poorer classes we must thread the crooked streets where the dampness of day and the darkness of night maintain continual gloom.

[46] "Th' aspirer once attained unto the top,
Cuts off those means by which himself got up:
And with a harder hand and straiter rein,
Doth curb that looseness he did find before
Doubting the occasion that might serve again,
His own example makes him fear the more."

DANIEL.

END OF VOL. I.

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